

1                   A bill to be entitled  
2           An act relating to child welfare; creating s. 39.4088,  
3           F.S.; requiring the Florida Children's Ombudsman to  
4           serve as an autonomous entity within the Department of  
5           Children and Families for certain purposes; providing  
6           responsibilities for the ombudsman; requiring the  
7           ombudsman to collect certain data; requiring the  
8           ombudsman, in consultation with the department and  
9           other specified entities and by a specified date, to  
10          develop standardized information explaining the goals  
11          for children and young adults placed in out-of-home  
12          care; requiring the department, community-based care  
13          lead agencies, and agency staff to use the information  
14          provided by the ombudsman in carrying out specified  
15          responsibilities; requiring the department to  
16          establish a statewide toll-free telephone number for  
17          the ombudsman; authorizing the department to adopt  
18          certain rules; amending s. 39.6011, F.S.; providing  
19          that a caregiver may participate in developing a case  
20          plan; providing additional requirements for a case  
21          plan for certain children; requiring the department to  
22          provide a copy of the case plan to the caregiver of a  
23          child placed in a licensed foster home; amending s.  
24          39.6013, F.S.; conforming a cross-reference; amending  
25          s. 39.604, F.S.; requiring a caseworker to provide

26 | certain information to caregivers of certain children;  
 27 | amending s. 39.701, F.S.; providing additional  
 28 | requirements for social study reports for judicial  
 29 | review; amending s. 409.145, F.S.; providing  
 30 | additional requirements for caregivers; requiring  
 31 | additional records and information be shared with  
 32 | caregivers; amending s. 409.1753, F.S.; requiring a  
 33 | lead agency to provide foster parents with a certain  
 34 | telephone number; amending s. 409.988, F.S.; requiring  
 35 | lead agencies to recruit and retain foster homes;  
 36 | providing responsibilities for lead agencies in the  
 37 | recruitment and retention of foster homes; providing  
 38 | an effective date.

39 |

40 | Be It Enacted by the Legislature of the State of Florida:

41 |

42 | Section 1. Section 39.4088, Florida Statutes, is created  
 43 | to read:

44 | 39.4088 Florida Children's Ombudsman.—The Florida  
 45 | Children's Ombudsman shall serve as an autonomous entity within  
 46 | the department for the purpose of providing to children and  
 47 | young adults who are placed in out-of-home care a means to  
 48 | resolve issues related to their care, placement, or services  
 49 | without fear of retribution. The ombudsman shall have access to  
 50 | any record of a state or local agency which is necessary to

51 carry out his or her responsibilities and may meet or  
52 communicate with any child or young adult in the child or young  
53 adult's placement or elsewhere.

54 (1) RESPONSIBILITIES.—The ombudsman shall:

55 (a) Disseminate information on the goals for children and  
56 young adults in out-of-home care under s. 39.4085 and the  
57 services provided by the ombudsman.

58 (b) Attempt to resolve a complaint informally.

59 (c) Conduct whatever investigation he or she determines is  
60 necessary to resolve the complaint.

61 (d) Update the complainant on the progress of the  
62 investigation and notify the complainant of the final outcome.

63  
64 The ombudsman may not investigate, challenge, or overturn court-  
65 ordered decisions.

66 (2) DATA COLLECTION.—The ombudsman shall:

67 (a) Document the number, source, origin, location, and  
68 nature of all complaints.

69 (b) Compile all data collected over the course of the  
70 year, including, but not limited to, the number of calls made to  
71 the toll-free telephone number; the number of complaints made,  
72 including the type and source of those complaints; the number of  
73 investigations performed by the ombudsman; the trends and issues  
74 that arose in the course of investigating complaints; the number  
75 of referrals made; and the number of pending complaints.

76 (c) Post the compiled data on the department's website.

77 (3) DEVELOPMENT AND DISSEMINATION OF INFORMATION.—

78 (a) By January 1, 2020, the ombudsman, in consultation  
79 with the department, children's advocacy and support groups, and  
80 current or former children and young adults in out-of-home care,  
81 shall develop standardized information explaining the goals  
82 described s. 39.4085. The information must be age-appropriate,  
83 reviewed and updated by the ombudsman annually, and made  
84 available through a variety of formats.

85 (b) The department, community-based care lead agencies,  
86 and other agency staff must use the information provided by the  
87 ombudsman to carry out their responsibilities to inform children  
88 and young adults in out-of-home care regarding the goals  
89 established in s. 39.4085.

90 (c) The department shall establish a statewide toll-free  
91 telephone number for reporting complaints to the ombudsman and  
92 post the number on the homepage of the department's website.

93 (4) RULEMAKING.—The department may adopt rules to  
94 implement this section.

95 Section 2. Subsections (4) through (8) of section 39.6011,  
96 Florida Statutes, are renumbered as subsections (5) through (9),  
97 respectively, paragraph (a) of subsection (1) and paragraph (b)  
98 of present subsection (6) are amended, paragraph (f) is added to  
99 subsection (2), and a new subsection (4) is added to that  
100 section, to read:

101 39.6011 Case plan development.—

102 (1) The department shall prepare a draft of the case plan  
 103 for each child receiving services under this chapter. A parent  
 104 of a child may not be threatened or coerced with the loss of  
 105 custody or parental rights for failing to admit in the case plan  
 106 of abusing, neglecting, or abandoning a child. Participating in  
 107 the development of a case plan is not an admission to any  
 108 allegation of abuse, abandonment, or neglect, and it is not a  
 109 consent to a finding of dependency or termination of parental  
 110 rights. The case plan shall be developed subject to the  
 111 following requirements:

112 (a) The case plan must be developed in a face-to-face  
 113 conference with the parent of the child, any court-appointed  
 114 guardian ad litem, and, if appropriate, the child and the  
 115 temporary custodian or caregiver of the child.

116 (2) The case plan must be written simply and clearly in  
 117 English and, if English is not the principal language of the  
 118 child's parent, to the extent possible in the parent's principal  
 119 language. Each case plan must contain:

120 (f) If the child has attained 14 years of age or, if  
 121 younger, is of an appropriate age and capacity:

122 1. A document that describes the goals established in s.  
 123 39.4085.

124 2. A signed acknowledgement by the child, or the caregiver  
 125 if the child is too young or otherwise unable to sign, that the

126 child has been provided with a copy of the document and that the  
127 goals contained in the document have been explained to the child  
128 in a way that the child understands.

129 3. Documentation that a consumer credit report for the  
130 child was requested from all three credit reporting agencies  
131 pursuant to federal law at no charge to the child and that any  
132 results were provided to the child. The case plan must include  
133 documentation of any barriers to obtaining the credit reports.  
134 If the consumer credit report reveals any accounts, the case  
135 plan must detail how the child received assistance with  
136 interpreting the credit report and resolving any inaccuracies,  
137 including any referrals made for such assistance.

138 (4) If the child has attained 14 years of age or, if  
139 younger, is of an appropriate age and capacity, the child must:

140 (a) Be consulted on the development of the case plan; have  
141 the opportunity to attend a face-to-face conference, if  
142 appropriate; have the opportunity to express a placement  
143 preference; and have the option to choose two members for the  
144 case planning team who are not foster parents or caseworkers for  
145 the child.

146 1. An individual selected by a child to be a member of the  
147 case planning team may be rejected at any time if there is good  
148 cause to believe that the individual would not act in the best  
149 interest of the child. One individual selected by a child to be  
150 a member of the child's case planning team may be designated to

151 act as the child's advisor and, as necessary, advocate with  
152 respect to the application of the reasonable and prudent parent  
153 standard, as defined in s. 409.145.

154 2. The child may not be included in any aspect of case  
155 plan development if information could be revealed or discussed  
156 which is of a nature that would best be presented to the child  
157 in a therapeutic setting.

158 (b) Sign the case plan, unless there is reason to waive  
159 the child's signature.

160 (c) Receive an explanation of the provisions of the case  
161 plan from the department.

162 (d) After the case plan is agreed on and signed by all  
163 parties, and after jurisdiction attaches and the case plan is  
164 filed with the court, be provided a copy of the case plan not  
165 less than 3 business days before the disposition hearing.

166 (7) ~~(6)~~ After the case plan has been developed, the  
167 department shall adhere to the following procedural  
168 requirements:

169 (b) After the case plan has been agreed upon and signed by  
170 the parties, a copy of the plan must be given immediately to the  
171 parties, including the child if appropriate, the caregiver if  
172 the child is placed in a licensed foster home, and to other  
173 persons as directed by the court.

174 1. A case plan must be prepared, but need not be submitted  
175 to the court, for a child who will be in care no longer than 30

176 days unless that child is placed in out-of-home care a second  
177 time within a 12-month period.

178 2. In each case in which a child has been placed in out-  
179 of-home care, a case plan must be prepared within 60 days after  
180 the department removes the child from the home and shall be  
181 submitted to the court before the disposition hearing for the  
182 court to review and approve.

183 3. After jurisdiction attaches, all case plans must be  
184 filed with the court, and a copy provided to all the parties  
185 whose whereabouts are known, not less than 3 business days  
186 before the disposition hearing. The department shall file with  
187 the court, and provide copies to the parties, all case plans  
188 prepared before jurisdiction of the court attached.

189 Section 3. Subsection (8) of section 39.6013, Florida  
190 Statutes, is amended to read:

191 39.6013 Case plan amendments.—

192 (8) Amendments must include service interventions that are  
193 the least intrusive into the life of the parent and child, must  
194 focus on clearly defined objectives, and must provide the most  
195 efficient path to quick reunification or permanent placement  
196 given the circumstances of the case and the child's need for  
197 safe and proper care. A copy of the amended plan must be  
198 immediately given to the persons identified in s. 39.6011(7)(b)  
199 ~~s. 39.6011(6)(b)~~.

200 Section 4. Paragraph (c) is added to subsection (3) of



201 section 39.604, Florida Statutes, to read:

202 39.604 Rilya Wilson Act; short title; legislative intent;  
 203 child care; early education; preschool.—

204 (3) REQUIREMENTS.—

205 (c) For a child placed in a licensed foster home and who  
 206 is required to be enrolled in an early education or child care  
 207 program under this section, the caseworker shall inform the  
 208 caregiver of the child of the amount of the subsidy provided by  
 209 an early learning coalition, that this amount may not be  
 210 sufficient to pay the full cost of the services, and whether the  
 211 caregiver will be responsible for paying the difference between  
 212 the subsidy and the full cost charged by the early education or  
 213 child care program.

214 Section 5. Paragraph (a) of subsection (2) and paragraph  
 215 (a) of subsection (3) of section 39.701, Florida Statutes, are  
 216 amended to read:

217 39.701 Judicial review.—

218 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
 219 AGE.—

220 (a) Social study report for judicial review.—Before every  
 221 judicial review hearing or citizen review panel hearing, the  
 222 social service agency shall make an investigation and social  
 223 study concerning all pertinent details relating to the child and  
 224 shall furnish to the court or citizen review panel a written  
 225 report that includes, but is not limited to:

226 | 1. A description of the type of placement the child is in  
227 | at the time of the hearing, including the safety of the child  
228 | and the continuing necessity for and appropriateness of the  
229 | placement.

230 | 2. Documentation of the diligent efforts made by all  
231 | parties to the case plan to comply with each applicable  
232 | provision of the plan.

233 | 3. The amount of fees assessed and collected during the  
234 | period of time being reported.

235 | 4. The services provided to the foster family or legal  
236 | custodian in an effort to address the needs of the child as  
237 | indicated in the case plan.

238 | 5. A statement that either:

239 | a. The parent, though able to do so, did not comply  
240 | substantially with the case plan, and the agency  
241 | recommendations;

242 | b. The parent did substantially comply with the case plan;  
243 | or

244 | c. The parent has partially complied with the case plan,  
245 | with a summary of additional progress needed and the agency  
246 | recommendations.

247 | 6. A statement from the foster parent or legal custodian  
248 | providing any material evidence concerning the return of the  
249 | child to the parent or parents.

250 | 7. A statement concerning the frequency, duration, and

251 results of the parent-child visitation, if any, and the agency  
252 recommendations for an expansion or restriction of future  
253 visitation.

254 8. The number of times a child has been removed from his  
255 or her home and placed elsewhere, the number and types of  
256 placements that have occurred, and the reason for the changes in  
257 placement.

258 9. The number of times a child's educational placement has  
259 been changed, the number and types of educational placements  
260 which have occurred, and the reason for any change in placement.

261 10. If the child has reached 13 years of age but is not  
262 yet 18 years of age, a statement from the caregiver on the  
263 progress the child has made in acquiring independent living  
264 skills.

265 11. Copies of all medical, psychological, and educational  
266 records that support the terms of the case plan and that have  
267 been produced concerning the parents or any caregiver since the  
268 last judicial review hearing.

269 12. Copies of the child's current health, mental health,  
270 and education records as identified in s. 39.6012.

271 13. Documentation that a description of the goals  
272 established in s. 39.4085 has been provided to and reviewed with  
273 the child.

274 14. A signed acknowledgement by the child, or the  
275 caregiver if the child is too young or otherwise unable to sign,

276 | stating that the child has been provided an explanation of the  
277 | goals established in s. 39.4085.

278 | (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

279 | (a) In addition to the review and report required under  
280 | paragraphs (1)(a) and (2)(a), respectively, the court shall hold  
281 | a judicial review hearing within 90 days after a child's 17th  
282 | birthday. The court shall also issue an order, separate from the  
283 | order on judicial review, that the disability of nonage of the  
284 | child has been removed pursuant to ss. 743.044, 743.045,  
285 | 743.046, and 743.047, and for any of these disabilities that the  
286 | court finds is in the child's best interest to remove. The court  
287 | shall continue to hold timely judicial review hearings. If  
288 | necessary, the court may review the status of the child more  
289 | frequently during the year before the child's 18th birthday. At  
290 | each review hearing held under this subsection, in addition to  
291 | any information or report provided to the court by the foster  
292 | parent, legal custodian, or guardian ad litem, the child shall  
293 | be given the opportunity to address the court with any  
294 | information relevant to the child's best interest, particularly  
295 | in relation to independent living transition services. The  
296 | department shall include in the social study report for judicial  
297 | review written verification that the child has:

298 | 1. A current Medicaid card and all necessary information  
299 | concerning the Medicaid program sufficient to prepare the child  
300 | to apply for coverage upon reaching the age of 18, if such

301 application is appropriate.

302         2. A certified copy of the child's birth certificate and,  
303 if the child does not have a valid driver license, a Florida  
304 identification card issued under s. 322.051.

305         3. A social security card and information relating to  
306 social security insurance benefits if the child is eligible for  
307 those benefits. If the child has received such benefits and they  
308 are being held in trust for the child, a full accounting of  
309 these funds must be provided and the child must be informed as  
310 to how to access those funds.

311         4. All relevant information related to the Road-to-  
312 Independence Program, including, but not limited to, eligibility  
313 requirements, information on participation, and assistance in  
314 gaining admission to the program. If the child is eligible for  
315 the Road-to-Independence Program, he or she must be advised that  
316 he or she may continue to reside with the licensed family home  
317 or group care provider with whom the child was residing at the  
318 time the child attained his or her 18th birthday, in another  
319 licensed family home, or with a group care provider arranged by  
320 the department.

321         5. An open bank account or the identification necessary to  
322 open a bank account and to acquire essential banking and  
323 budgeting skills.

324         6. Information on public assistance and how to apply for  
325 public assistance.

326 7. A clear understanding of where he or she will be living  
 327 on his or her 18th birthday, how living expenses will be paid,  
 328 and the educational program or school in which he or she will be  
 329 enrolled.

330 8. Information related to the ability of the child to  
 331 remain in care until he or she reaches 21 years of age under s.  
 332 39.013.

333 9. A letter providing the dates that the child is under  
 334 the jurisdiction of the court.

335 10. A letter stating that the child is in compliance with  
 336 financial aid documentation requirements.

337 11. The child's educational records.

338 12. The child's entire health and mental health records.

339 13. The process for accessing his or her case file.

340 14. A statement encouraging the child to attend all  
 341 judicial review hearings occurring after the child's 17th  
 342 birthday.

343 15. Information on how to obtain a driver license or  
 344 learner's driver license.

345 16. Been provided a description of the goals established  
 346 in s. 39.4085, and that the goals have been provided to and  
 347 reviewed with the child.

348 17. Signed an acknowledgement stating that he or she has  
 349 been provided an explanation of the goals established in s.  
 350 39.4085 or, if the child is too young or otherwise unable to

351 sign, that such acknowledgment has been signed by the child's  
352 caregiver.

353 Section 6. Paragraphs (a) and (d) of subsection (2) of  
354 section 409.145, Florida Statutes, are amended to read:

355 409.145 Care of children; quality parenting; "reasonable  
356 and prudent parent" standard.—The child welfare system of the  
357 department shall operate as a coordinated community-based system  
358 of care which empowers all caregivers for children in foster  
359 care to provide quality parenting, including approving or  
360 disapproving a child's participation in activities based on the  
361 caregiver's assessment using the "reasonable and prudent parent"  
362 standard.

363 (2) QUALITY PARENTING.—A child in foster care shall be  
364 placed only with a caregiver who has the ability to care for the  
365 child, is willing to accept responsibility for providing care,  
366 and is willing and able to learn about and be respectful of the  
367 child's culture, religion and ethnicity, special physical or  
368 psychological needs, any circumstances unique to the child, and  
369 family relationships. The department, the community-based care  
370 lead agency, and other agencies shall provide such caregiver  
371 with all available information necessary to assist the caregiver  
372 in determining whether he or she is able to appropriately care  
373 for a particular child.

374 (a) Roles and responsibilities of caregivers.—A caregiver  
375 shall:

376 1. Participate in developing the case plan for the child  
377 and his or her family and work with others involved in his or  
378 her care to implement this plan. This participation includes the  
379 caregiver's involvement in all team meetings or court hearings  
380 related to the child's care.

381 2. Complete all training needed to improve skills in  
382 parenting a child who has experienced trauma due to neglect,  
383 abuse, or separation from home, to meet the child's special  
384 needs, and to work effectively with child welfare agencies, the  
385 court, the schools, and other community and governmental  
386 agencies.

387 3. Respect and support the child's ties to members of his  
388 or her biological family and assist the child in maintaining  
389 allowable visitation and other forms of communication.

390 4. Effectively advocate for the child in the caregiver's  
391 care with the child welfare system, the court, and community  
392 agencies, including the school, child care, health and mental  
393 health providers, and employers.

394 5. Participate fully in the child's medical,  
395 psychological, and dental care as the caregiver would for his or  
396 her biological child.

397 6. Support the child's educational success by  
398 participating in activities and meetings associated with the  
399 child's school or other educational setting, including  
400 Individual Education Plan meetings to the extent allowed and



401 meetings with an educational surrogate if one has been  
402 appointed, assisting with assignments, supporting tutoring  
403 programs, and encouraging the child's participation in  
404 extracurricular activities.

405       a. Maintaining educational stability for a child while in  
406 out-of-home care by allowing the child to remain in the school  
407 or educational setting that he or she attended before entry into  
408 out-of-home care is the first priority, unless not in the best  
409 interest of the child.

410       b. If it is not in the best interest of the child to  
411 remain in his or her school or educational setting upon entry  
412 into out-of-home care, the caregiver must work with the case  
413 manager, guardian ad litem, teachers and guidance counselors,  
414 and educational surrogate if one has been appointed to determine  
415 the best educational setting for the child. Such setting may  
416 include a public school that is not the school of origin, a  
417 private school pursuant to s. 1002.42, a virtual instruction  
418 program pursuant to s. 1002.45, or a home education program  
419 pursuant to s. 1002.41.

420       7. Work in partnership with other stakeholders to obtain  
421 and maintain records that are important to the child's well-  
422 being, including child resource records, medical records, school  
423 records, photographs, and records of special events and  
424 achievements.

425       8. Ensure that the child in the caregiver's care who is

426 between 13 and 17 years of age learns and masters independent  
427 living skills.

428 9. Ensure that the child in the caregiver's care is aware  
429 of the requirements and benefits of the Road-to-Independence  
430 Program.

431 10. Work to enable the child in the caregiver's care to  
432 establish and maintain naturally occurring mentoring  
433 relationships.

434 11. Pay the difference between the subsidy from an early  
435 learning coalition and the full cost charged by an early  
436 education or child care program, if other funding is not  
437 available.

438 12. Ensure that the child in the caregiver's care is aware  
439 of and understands the goals established in s. 39.4085.

440 13. Assist the child in the caregiver's care in contacting  
441 the Florida Children's Ombudsman, if necessary.

442 (d) Information sharing.—Whenever a foster home or  
443 residential group home assumes responsibility for the care of a  
444 child, the department and any additional providers shall make  
445 available to the caregiver as soon as is practicable all  
446 relevant information concerning the child. Records and  
447 information that are required to be shared with caregivers  
448 include, but are not limited to:

449 1. Medical, dental, psychological, psychiatric, and  
450 behavioral history, as well as ongoing evaluation or treatment

- 451 needs or treatment plans, including how the caregiver can  
 452 support any treatment plan within the foster home;  
 453 2. School records;  
 454 3. Copies of his or her birth certificate and, if  
 455 appropriate, immigration status documents;  
 456 4. Consents signed by parents;  
 457 5. Comprehensive behavioral assessments and other social  
 458 assessments and information to assist the caregiver in managing  
 459 the child's behavioral problems;  
 460 6. Court orders;  
 461 7. Visitation and case plans;  
 462 8. Guardian ad litem reports;  
 463 9. Staffing forms; and  
 464 10. Judicial or citizen review panel reports and  
 465 attachments filed with the court, except confidential medical,  
 466 psychiatric, and psychological information regarding any party  
 467 or participant other than the child.

468 Section 7. Section 409.1753, Florida Statutes, is amended  
 469 to read:

470 409.1753 Foster care; duties.—The department shall ensure  
 471 that each lead agency provides, ~~within each district,~~ each  
 472 foster home with ~~is given~~ a telephone number for the foster  
 473 parent to call at any time when ~~during normal working hours~~  
 474 ~~whenever~~ immediate assistance is needed and the child's  
 475 caseworker is unavailable. This number must be staffed and

476 answered by individuals possessing the knowledge and authority  
477 necessary to assist foster parents.

478 Section 8. Paragraph (1) is added to subsection (1) of  
479 section 409.988, Florida Statutes, to read:

480 409.988 Lead agency duties; general provisions.—

481 (1) DUTIES.—A lead agency:

482 (1) Shall recruit and retain foster homes. In performing  
483 such duty, a lead agency shall:

484 1. Develop a plan to recruit and retain foster homes using  
485 best practices identified by the department and specify how the  
486 lead agency complies with s. 409.1753.

487 2. Annually submit such plan to the department for  
488 approval.

489 3. Provide to the department a quarterly report detailing  
490 the number of licensed foster homes and beds and occupancy rate.

491 4. Conduct exit interviews with foster parents who  
492 voluntarily give up their license to determine the reasons for  
493 giving up their license and identify suggestions for how to  
494 better recruit and retain foster homes, and provide a quarterly  
495 summary of such interviews to the department.

496 Section 9. This act shall take effect October 1, 2019.