

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1105 Child Welfare

SPONSOR(S): Children, Families & Seniors Subcommittee, Tomkow

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Children, Families & Seniors Subcommittee	15 Y, 0 N, As CS	Woodruff	Brazzell
2) Appropriations Committee	26 Y, 0 N	Fontaine	Pridgeon
3) Health & Human Services Committee			

SUMMARY ANALYSIS

Chapter 39, F.S., creates the dependency system that is charged with protecting child welfare. The Department of Children and Families administers the state's child welfare system and works in partnership with local communities and the courts to ensure the safety, timely permanency and well-being of children involved in the dependency process.

HB 1105 amends various sections in Ch. 39, F.S., to balance placement stability with child safety and permanency. Specifically, the bill encourages placement stability by requiring certain training to be offered to dependency court judges that informs them of the benefits of stable placements and related issues. It also requires judges to consider certain factors related to placement stability when determining whether to change a child's placement.

Further, the bill promotes child safety and permanency by:

- providing structured pathways into care for children who are not under the court's jurisdiction but are receiving services through community-based care lead agencies and won't be safe long-term due to parental inaction toward behavior change;
- prohibiting the court from ending jurisdiction if the child will not have long-term safety to reach permanency with a parent; and
- requiring judges to be notified of all central abuse hotline reports that are accepted for an investigation and the report involves a child over whom the court has jurisdiction.

The bill also amends current law to require planning for and monitoring of communication between foster parents and biological parents at various stages in the dependency process to encourage a productive working relationship, including meaningful communication and mutual support.

The bill also relocates language relating to quality parenting from s. 409.145, F.S., to a new section; expands it to apply to caregivers caring for children in out-of-home care; and directs DCF and CBCs to develop and support relationship between foster families and biological parents of children in out-of-home care, when it is safe and in the child's best interest.

The bill also allows a lead agency to demonstrate a justification of need to exceed the 35 percent maximum threshold of direct care service delivery.

HB 1105 does not have a fiscal impact on DCF. It has an indeterminate fiscal impact on the court system. There is no impact on local government.

The bill provides an effective date of July 1, 2020.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Florida's Child Welfare System

Florida's child welfare system identifies families whose children are in danger of suffering or have suffered abuse, abandonment, or neglect, and works with those families to address the problems that are endangering children, if possible. If the child welfare system cannot address the problems, the Department of Children and Families (DCF) finds safe out-of-home placements to protect children.

DCF administers the state's child welfare system and works in partnership with local communities and the courts to ensure the safety, timely permanency, and well-being of children.¹ DCF's practice model focuses on preserving and strengthening the child's family ties whenever possible, and removing the child from the home when the child's welfare cannot be adequately safeguarded otherwise.²

Central Abuse Hotline

DCF operates the Florida central abuse hotline (hotline), which accepts reports 24 hours a day, seven days a week, of known or suspected child abuse, abandonment, or neglect.³ Statute mandates any person who knows or suspects that a child is abused, abandoned, or neglected to report such knowledge or suspicion to the hotline.⁴ A child protective investigation begins if the hotline determines the allegations meet the statutory definition of abuse, abandonment, or neglect.⁵ A child protective investigation can result in findings that are verified,⁶ not substantiated,⁷ or result in no indicators.⁸

When the hotline receives a call regarding possible abuse, abandonment, or neglect, the hotline counselor researches the child welfare information system to determine if the child or family is currently involved with the child welfare system.⁹ If so, the child protective investigator is responsible for notifying the child's case manager and DCF's attorney of the report.¹⁰

Currently, case managers and DCF attorneys notify dependency court judges only of verified reports during six-month judicial review hearings. However, if there are any reports to the hotline that are accepted for investigation involving a child whom the court has jurisdiction and the investigation does not result in a verified report, case managers or DCF attorneys are not required to notify the dependency court judge.

Community-Based Care Organizations and Services

DCF contracts for case management, out-of-home care, and related services with community-based care lead agencies (CBCs). Using CBCs to provide child welfare services is designed to increase local

¹ S. 39.001, F.S.

² S. 39.001(4), F.S.

³ S. 39.201(5), F.S.

⁴ S. 39.201(1)(a), F.S.

⁵ S. 39.201(2)(a), F.S.

⁶ "Verified" findings are when a preponderance the evidence results in a determination the specific harm or threat of harm was the result of abuse, abandonment or neglect. These findings require the investigator to take action to protect the child. See Department of Children and Families, CF Operating Procedure No. 170-5.

⁷ "Not substantiated" findings result from an investigation when there is credible evidence which does not meet the standard or being a preponderance to support that the specific harm was the result of abuse, abandonment, or neglect. See Department of Children and Families, CF Operating Procedure No. 170-5.

⁸ "No indicators" findings result when there is no credible evidence to support the allegations of abuse, abandonment, or neglect. See Department of Children and Families, CF Operating Procedure No. 170-5.

⁹ Department of Children and Families, Agency Analysis of HB 1105, on file with Children, Families, and Seniors Subcommittee.

¹⁰ *Id.*

community ownership of service delivery and design.¹¹ DCF, through CBCs, administers a system of care for children with the goals of:

- Prevention of separation of children from their families;
- Intervention to allow children to remain safely in their own homes;
- Reunification of families who have had children removed from their care;
- Safety for children who are separated from their families;
- Well-being of children through emphasis on educational stability and timely health care;
- Achievement of permanency; and
- Effective transition to independence and self-sufficiency.

CBCs provide foster care and related services, including, but not limited to, counseling, domestic violence services, substance abuse services, family preservation, emergency shelter, and adoption.¹² CBCs contract with a number of subcontractors for case management and direct care services to children and their families.¹³ There are 17 CBCs statewide, which together serve the state's 20 judicial circuits.¹⁴

Currently, CBCs are statutorily limited from directly providing more than 35 percent of all child welfare services in the circuit it services.¹⁵ CBC subcontractors provide direct care services to children and families over the 35 percent maximum threshold.

Dependency Case Process

When child welfare necessitates that DCF remove a child from the home, a series of dependency court proceedings must occur to adjudicate the child dependent and placed in out-of-home care. The dependency process includes, among other things, a child protective investigation to determine the safety of the child, the court finding the child dependent, case planning to address the problems resulting in the child's dependency, and reunification with the child's parent or another option to establish permanency, such as adoption.

¹¹ Department of Children and Families, *Community-Based Care*, <https://www.myflfamilies.com/service-programs/community-based-care/> (last visited Jan. 14, 2020).

¹² S. 409.145(1), F.S.

¹³ *Id.*

¹⁴ Department of Children and Families, *Community-Based Care Lead Agency Map*, <http://www.myflfamilies.com/service-programs/community-based-care/cbc-map> (last visited Jan. 14, 2020).

¹⁵ S. 409.988(1)(j), F.S.

The Dependency Process

Dependency Proceeding	Description of Process	Controlling Statute
Removal	A child protective investigation determines the child's home is unsafe, and the child is removed.	s. 39.401, F.S.
Shelter Hearing	A shelter hearing occurs within 24 hours after removal. The judge determines whether to keep the child out-of-home.	s. 39.401, F.S.
Petition for Dependency	A petition for dependency occurs within 21 days of the shelter hearing. This petition seeks to find the child dependent.	s. 39.501, F.S.
Arraignment Hearing and Shelter Review	An arraignment and shelter review occurs within 28 days of the shelter hearing. This allows the parent to admit, deny, or consent to the allegations within the petition for dependency and allows the court to review any shelter placement.	s. 39.506, F.S.
Adjudicatory Trial	An adjudicatory trial is held within 30 days of arraignment. The judge determines whether a child is dependent during trial.	s. 39.507, F.S.
Disposition Hearing	If the child is found dependent, disposition occurs within 15 days of arraignment or 30 days of adjudication. The judge reviews the case plan and placement of the child. The judge orders the case plan for the family and the appropriate placement of the child.	s. 39.506, F.S. s. 39.521, F.S.
Postdisposition hearing	The court may change temporary placement at a postdisposition hearing any time after disposition but before the child is residing in the permanent placement approved at a permanency hearing.	s. 39.522, F.S.
Judicial Review Hearings	The court must review the case plan and placement every 6 months, or upon motion of a party.	s. 39.701, F.S.
Petition for Termination of Parental Rights	Once the child has been out-of-home for 12 months, if DCF determines that reunification is no longer a viable goal, termination of parental rights is in the best interest of the child, and other requirements are met, a petition for termination of parental rights is filed.	s. 39.802, F.S. s. 39.8055, F.S. s. 39.806, F.S. s. 39.810, F.S.
Advisory Hearing	This hearing is set as soon as possible after all parties have been served with the petition for termination of parental rights. The hearing allows the parent to admit, deny, or consent to the allegations within the petition for termination of parental rights.	s. 39.808, F.S.
Adjudicatory Hearing	An adjudicatory trial shall be set within 45 days after the advisory hearing. The judge determines whether to terminate parental rights to the child at this trial.	s. 39.809, F.S.

The dependency court judge considers a number of factors, known as the child's best interest factors, throughout various stages of the process, including when determining a change of placement. Chapter 63, F.S., regarding adoptions and s. 409.145, F.S., regarding reasonable prudent parenting outlines specific factors when determining what is in the child's best interest. Chapter 39, F.S., does not provide specific factors a court must consider when determining whether a change of legal custody or placement is in the child's best interest.

However, a parent may not be involved in a court dependency process. Even if a child is determined to be unsafe, a child protective investigator is required to offer services for voluntary acceptance unless there are high-risk factors that may impact the ability of the parents or legal custodians to exercise judgment, or there is a high likelihood of lack of compliance with voluntary services.¹⁶ When the parent accepts voluntary services offered by DCF, the court is not involved even though the child is unsafe. When the child is unsafe and remains in the home without court oversight, DCF is required to implement a safety plan for the child, as discussed below.

¹⁶ S. 39.301(14), F.S.
STORAGE NAME: h1105c.APC
DATE: 2/5/2020

Training for Dependency Court Judges

Circuit courts have general jurisdiction over dependency cases. There are currently 114 judges and 31 magistrates throughout the state who hear dependency court cases.¹⁷ All judges new to the bench are required to complete the Florida Judicial College program during their first year of judicial service following selection to the bench.¹⁸ The Florida Court Education Council¹⁹ sponsors the 10-day program, which provides general court information as well as information on substantive and procedural matters.²⁰ This program is only for judges new to the bench, and is not required for existing judges rotating to the dependency bench. Judges are required to earn a minimum of 30 approved credit hours of continuing judicial education every three years.²¹

Although there is training available on dependency topics, the only statutorily mandated training is for judges who have responsibility for domestic violence cases.²²

Safety Methodology

In 2013, DCF began using a new child welfare practice model (model) that standardized the approach to making safety decisions and risk assessments for children.²³ The model seeks the goals of safety, permanency, and child and family well-being.²⁴ The model emphasizes parent engagement and empowerment as well as training and support of child welfare professionals to assess child safety.²⁵

To further implement this model, in 2014 the Legislature amended statute to require child protective investigators to implement in-home safety plans to ensure the child's safety while the child remains in the home or is returned home after an out-of-home placement.²⁶ A safety plan controls and manages danger threats to a child when a parent is unavailable, unable, or unwilling to protect his or her child.²⁷ In-home safety plans must be specific, sufficient, feasible and sustainable to ensure child safety while the child remains in the home.²⁸ It may include tasks or responsibilities for a parent, caregiver, or legal custodian.

A safety plan may be used in several situations, such as when:

- the child remains in the home while the child protective investigation is underway;
- the child remains in the home after abuse or neglect is verified, but the parent accepts services voluntarily;
- the child has been placed in the home by the court instead of being sheltered out of home after the parent is found to have neglected or abused the child; and
- the child is reunified with the parent by the court after being in out-of-home care before the parent has completed his or her case plan or demonstrated that he or she has developed the protective capacities necessary to keep the child safe without a safety plan.

¹⁷ Email from J. Blair Williams, Senior Court Analyst II, Office of State Courts Administrator, RE: Information Requested on Call Today 1/3/19 (Jan. 13, 2020).

¹⁸ S. 25.385, F.S. See Florida Courts, *Information for New Judges*, <https://www.flcourts.org/Resources-Services/Judiciary-Education/Information-for-New-Judges> (last visited Jan. 14, 2020).

¹⁹ Established in 1978, the Florida Court Education Council is charged with coordinating and overseeing the creation and maintenance of a comprehensive education program and making budgetary, programmatic, and policy recommendations to the court regarding continuing education.

²⁰ Florida Office of State Courts Administrator, *Short History of Florida State Court System, Processes, Programs, and Initiatives*, (2016), https://www.flcourts.org/content/download/216626/1965702/Short-History_2016.pdf (last visited Jan. 14, 2020).

²¹ *Id.*

²² S. 25.385, F.S.

²³ Department of Children and Families, *2013 Year in Review*, <http://www.dcf.state.fl.us/admin/publications/year-in-review/2013/page19.shtml> (last visited Jan. 14, 2020).

²⁴ Department of Children and Families, *Florida's Child Welfare Practice Model*, <https://www.myflfamilies.com/service-programs/child-welfare/child-welfare-practice-model.shtml> (last visited Jan. 14, 2020).

²⁵ *Id.*

²⁶ S. 39.301(9)(a)6.a., F.S.

²⁷ Department of Children and Families, CF Operating Procedure No. 170-7.

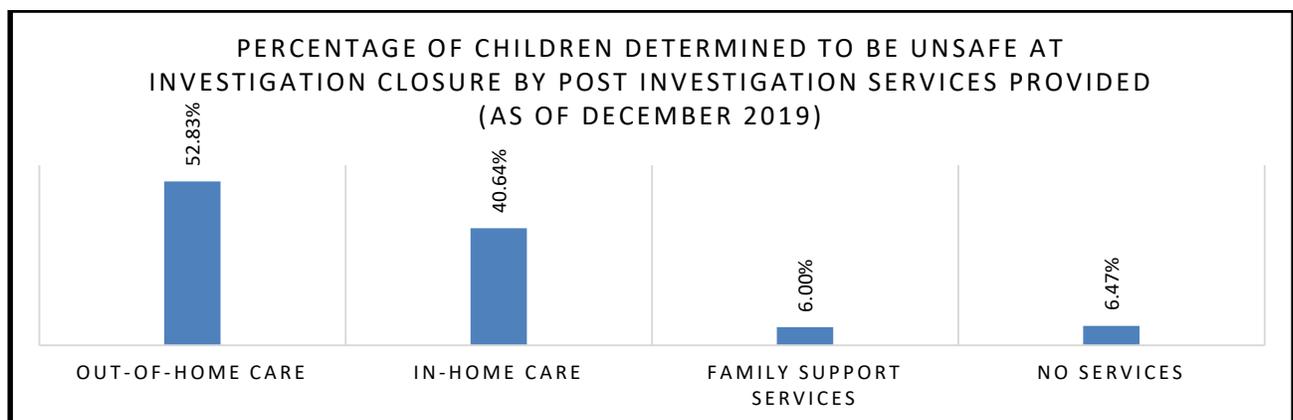
²⁸ S. 39.301(9)(a)6.a., F.S.

When the safety plan is being used for a child during an investigation, the child protective investigator (CPI) works with the CBC to develop the safety plan and identify services necessary for the successful implementation of the plan. The CPI monitors the implementation of the plan to ensure the child's safety until the case is transferred to the CBC to further monitor implementation.²⁹

In cases involving an in-home safety plan where there is not current court involvement, the CBC case manager over the case must request a staffing with a DCF attorney to determine legal actions necessary when the in-home safety plan is no longer protecting the child or the parent is not demonstrating efforts to achieve case plan outcomes that address the child's need for safety.³⁰ DCF is authorized to file a shelter or dependency petition on a family when the safety plan is no longer sufficient to keep the child safe, but there are currently no statutory timeframes for filing either petition.³¹

When there is court involvement and a safety plan has been implemented, the court retains jurisdiction to review the status of the child for at least six months after remaining in the home or being reunified with a parent.³² Currently, after retaining jurisdiction for at least six months after reunification, it is in the court's discretion when to terminate judicial oversight of the child. The court can terminate oversight even if a safety plan is in place for the child.

The graph below shows the percentage of children, as of December 2019, determined to be unsafe and provided services out of the home compared with those either receiving services in the home or through family support services, which are offered to families on a voluntary basis.³³ Additionally, the graph shows the percentage of children who did not receive services after an investigation.³⁴ This indicates about half of children determined unsafe are remaining in the parent's home at case closure.



Case Plans

Pursuant to s. 39.6011, F.S., DCF must prepare a case plan for each child receiving services. It must be developed in a face-to-face conference with the child's parent, any court-appointed Guardian ad Litem, and, if appropriate, the child and the temporary custodian of the child.

Each case plan must contain:

- The problem being addressed, including the parent's behavior or acts resulting in risk to the child and the reason for the intervention by DCF.
- The permanency goal.
- If concurrent planning is being used, a goal of reunification in addition to one of the remaining permanency goals provided in statute.

²⁹ S. 39.301(9)(a)6.c., F.S.

³⁰ *Supra* note 26.

³¹ *Supra* note 9.

³² S. 39.701, F.S.

³³ Department of Children and Families, *Child Welfare Key Indicators Monthly Report*, (Dec. 2019), available at http://www.centerforchildwelfare.org/qa/cwkeyindicator/KI_Monthly_Report_December_2019.pdf (last visited Jan. 13, 2020).

³⁴ *Id.*

- The date the case plan compliance expires. The case plan must be limited to as short a period as possible for accomplishing its provisions. The plan's compliance period expires no later than 12 months after the date the child was removed from the home, the child was adjudicated dependent, or the date the case plan was accepted by the court, whichever occurs first.
- A written notice to the parent that failure to substantially comply with the case plan may result in the termination of parental rights, and that a material breach of the case plan may result in the filing of a petition for termination of parental rights sooner than the compliance period set forth in the case plan.³⁵

Additionally, the case plan must describe:

- The role of foster parents or legal custodians when developing the services for the child, foster parents, or legal custodians;
- The responsibility of the case manager to forward a relative's request to receive notification of all proceedings and hearings;
- The minimum number of face-to-face meetings to be held each month between the parents and DCF to review the progress of the case plan, to eliminate barriers to progress, and to resolve conflicts or disagreements; and
- The parent's responsibility for financial support of the child.³⁶

All parties must sign the case plan, including the child, unless the child is not of an age or capacity to participate in the case-planning process. Signing the case plan acknowledges that individuals have participated in developing the terms and conditions.³⁷

Reunification

Federal law requires states to show, except in certain circumstances such as where the parent committed an especially egregious act, that they have made "reasonable efforts" to provide services to prevent a child's removal or to reunify a child with his or her family prior to termination of parental rights.³⁸ This federal requirement makes reunification a key goal for children placed in out-of-home care. Additionally, reunification is the primary permanency goal under Florida law.³⁹ Throughout the dependency process, if a child is in out-of-home care, the court reviews the parent's case to determine when reunification is safe for the child.

The court decides whether a child should receive services in-home or out-of-home at a disposition hearing.⁴⁰ If a child is placed out-of-home at disposition, the court can return the child home *postdisposition* if it determines the circumstances that caused the out-of-home placement have been remedied to the extent that returning the child home with an in-home safety plan will not be detrimental to the child.⁴¹

Foster Parents

Children who are receiving care out of the home can be placed with foster parents licensed by CBCs or its subcontractors. As of November 2018, there were 5,358 foster parents licensed in Florida, and as of November 2019, 7,738 children were placed in licensed foster care.⁴²

Foster parents care for the children placed in their home and serve as role models for the biological parents working to reunify with their children. To qualify as a potential foster parent, applicants must go

³⁵ S. 39.6011(2), F.S.

³⁶ S. 39.6011(4), F.S.

³⁷ S. 39.6011(3), F.S.

³⁸ Adoption Assistance and Child Welfare Act of 1980, Public L. No. 96-272, H.R. 3434, 96th Cong. (1980).

³⁹ S. 39.621(3)(a), F.S.

⁴⁰ S. 39.01(25), F.S.

⁴¹ S. 39.522(2), F.S.

⁴² Florida Department of Children and Families, *Children & Young Adults in Out-of-Home Care – Statewide*, <https://www.myflfamilies.com/programs/childwelfare/dashboard/c-in-ooH.shtml> (last visited Jan. 20, 2020).

through a rigorous interview process, complete a training program, and participate in a home inspection and background check.⁴³ Foster parents are expected to:⁴⁴

- Provide parenting that consists of a loving commitment to the child and the child's safety and wellbeing;
- Provide opportunities to develop the child's interests and skills;
- Care for the child in light of the child's culture, religion, ethnicity, special physical or psychological needs and unique situations;
- Assist the biological parents in improving their ability to care for and protect their children and to provide continuity for the child;
- Assist the child in visitation and other forms of communication with his or her biological family;
- Obtain and maintain records that are important to the child's wellbeing, such as medical records and records of achievements;
- Advocate for children in their care with the child welfare system, the court, and community agencies, such as schools, child care, and health providers;
- Participate fully in the child's medical, psychological, and dental care as they would for their biological child; and
- Support the child's school success by participating in school activities and meetings.

Quality Parenting Initiative

The Quality Parenting Initiative (QPI), a strategy of the Youth Law Center in California, is an approach to strengthening foster care, refocusing on excellent parenting for all children in the child welfare system. It was launched in 2008 in Florida, and as of 2018, over 75 jurisdictions in 10 states have adopted the QPI approach.⁴⁵

When parents cannot care for their children, the foster parent or other caregiver must be able to provide loving, committed, and skilled care that the child needs, in partnership with the system, to ensure that children thrive. QPI was developed to ensure that every child removed from their home because of abuse, abandonment, or neglect is cared for by a foster family that provides skilled, nurturing parenting while helping the child maintain connections with his or her family.

In 2013, the Legislature enacted some of the basic principles of quality parenting in s. 409.145(2), F.S., including roles and responsibilities for caregivers, DCF, CBCs, and other agency staff to work together for children in out-of-home care.⁴⁶

When DCF places a child in out-of-home care, caregivers receive a "Partnership Plan for Children in Out-of-Home Care" (Plan) during the initial foster parent licensing process to inform them of their roles and responsibilities for quality parenting.⁴⁷ The Plan outlines the values, principles and relationships between DCF, CBCs, and caregivers, like foster parents, in fulfilling their responsibility to care for children in out-of-home care.

Effect of Proposed Changes

HB 1105 amends various sections in Ch. 39, F.S., to balance placement stability with child safety and permanency. Additionally, it supports CBCs by creating a process for the community to be involved in decisions about CBCs directly providing child welfare services that exceed the statutory limit.

Changes in Placement

⁴³ Florida Department of Children and Families, *How Do I Become a Foster Parent?*, <http://www.dcf.state.fl.us/service-programs/foster-care/how-do-i.shtml> (last visited Jan. 14, 2020).

⁴⁴ Florida Department of Children and Families, *Partnership Plan for Children in Out-of-Home Care*, available at <http://centerforchildwelfare.fmhi.usf.edu/kb/OOHPublications/PartnershipPlan.pdf> (last visited Jan. 14, 2020).

⁴⁵ QPI Florida, Quality Parenting Initiative, *Just in Time Training*, <http://www.qpiflorida.org/about.html> (last visited Jan. 20, 2020).

⁴⁶ S. 409.145, F.S.

⁴⁷ R. 65C-13.025(4)(k).

The bill amends s. 39.522(1)(a), F.S., to add factors the court must consider when determining whether a change of legal custody or placement is in the child's best interest. This will ensure judges are considering all relevant factors on a consistent basis when determining what is in the child's best interest. A majority of judges already consider these factors prior to making placement changes; however, this will require all judges to consider them.⁴⁸ These factors include:

- The child's age.
- The physical, mental, and emotional health benefits to the child by remaining in his or her current placement or moving to the proposed placement.
- The stability and longevity of the child's current placement.
- The established bonded relationship between the child and the current or proposed caregiver.
- The reasonable preference of the child, if the court has found that the child is of sufficient intelligence, understanding, and experience to express a preference.
- The recommendation of the child's current caregiver.
- The recommendation of the child's guardian ad litem, if one has been appointed.
- The child's previous and current relationship with a sibling, if the change of legal custody or placement will separate or reunite siblings.
- The likelihood of the child attaining permanency in the current or proposed placement.

Additionally, the bill creates s. 39.522(4), F.S., to provide guidance to the court when it is determining at postdisposition whether to place a child in out-of-home care when the child is living at home with his or her parents with an in-home safety plan. Under this section, the bill outlines factors the court must consider, at a minimum, in making its determination to include:

- The circumstances that caused the child's dependency and other subsequently identified issues.
- The length of time the child has been placed in the home with an in-home safety plan.
- The parent's or caregiver's current level of protective capacities.
- The level of increase, if any, in the parent's or caregiver's protective capacities since the child's placement in the home based on the length of time the child has been placed there.

This creates a mechanism for the court to remove a child from an unsafe home without going through the process of a shelter hearing. It will also ensure judges are considering relevant factors on a consistent basis when determining whether to remove a child from the home.

Further, the bill requires the court to consider in each change of placement or removal to evaluate the child's permanency goal and change the goal as needed if doing so is in the best interest of the child.

Hotline Reports

The bill amends s. 39.301(1)(b), F.S., to require DCF to promptly notify the court of any report to the hotline that is accepted for an investigation and involves a child over whom the court has jurisdiction. This would require DCF to notify the court of reports that are accepted for an investigation because the allegations meet the statutory definition of abuse, abandonment, or neglect rather than only reports that produce a verified finding of abuse, abandonment or neglect after an investigation. This will give a dependency court judge more information on a family whom it has protective oversight so he or she can make more informed decisions to protect the child's health and well-being.

Foster Parents

The bill amends various statutes to promote a good working relationship that includes meaningful communication and mutual support between foster parents and biological parents and requires the review of the relationship at judicial review hearings.

Case Plans

⁴⁸ *Supra* note 9.

The bill amends s. 39.6011(5)(b), F.S., to require the case plan to specify the responsibilities of the parents and caregivers to work together to successfully implement the case plan and to include language specifying how the case manager will assist the parents and caregivers in developing a productive relationship, including meaningful communication and mutual support. The case plan must also describe the parent's or caregiver's ability to notify the court or the case manager if ineffective communication takes place that negatively impacts the child.

The bill also amends s. 39.6011(5)(d), F.S., to specify that case managers are to resolve conflicts or disagreements between parents and caregivers, service providers, or any professionals assisting the parents in completion of the case plan.

Judicial Review Hearings

The bill amends s. 39.701(2)(a)6, F.S., to require the report for judicial review hearings to contain a statement from a foster parent or legal custodian regarding the well-being of the child, the impact of any services provided to the child, and the working relationship between the caregiver and the parents.

Further, it amends s. 39.701(2)(a)7, F.S., to require the report to contain the caregiver's recommendations for an expansion or restriction on future visitations with the parent. This will allow caregivers to have additional input regarding the child's safety at judicial review hearings.

The bill also amends s. 39.701(2)(c), F.S., to require the court to determine at judicial review hearings if the parents and caregivers have developed a productive relationship that includes meaningful communication and mutual support.

Quality Parenting and Parenting Partnerships

The bill relocates current statutory language in s. 409.145(2), F.S., related to quality parenting into a new section and expands it to apply to all caregivers caring for an out-of-home child and incorporates the Partnership Plan for Children in Out-of-Home Care into law. Section 409.1415, F.S., directs DCF and CBCs to support relationships between foster families and biological parents of children in out-of-home care by:

- Facilitating telephone communication between the foster parent and the birth or legal parent as soon as possible after the child is placed in the home.
- Facilitating and attending an in-person meeting between the foster parent and the birth or legal parent within two weeks after placement.
- Developing and supporting a plan for birth or legal parents to participate in medical appointments, educational and extra-curricular activities, and other events involving the child.
- Facilitating participation by the foster parent in visitation between the birth parent and child.
- Involving the foster parent in planning meetings with the birth parent.
- Developing and implementing effective transition plans for the child's return home or placement in any other living environment.
- Supporting continued contact between the foster family and the child after the child returns home or moves to another permanent living arrangement.
- Supporting continued connection with the birth parent after adoption.

This language provides more guidance how biological parents and caregivers, like foster parents, can work together and how CBCs support them.

Judicial Training

The bill amends s. 25.385, F.S., to require the Florida Court Education Council (FCEC) to establish standards for instruction of circuit court judges who have responsibility for dependency cases regarding the benefits of a secure attachment with a primary caregiver, the importance of a stable placement, and the impact of trauma on child development. The FCEC shall provide such instruction on a periodic and timely basis. Although there is currently training on the dependency process, this would ensure

statewide consistent understanding of the importance of stable and permanent placements for children in the child welfare system.

Court Jurisdiction

The bill amends s. 39.701(1)(b), F.S., to prohibit the court from terminating jurisdiction over a child if the child is placed in a home with a parent or caregiver with an in-home safety plan and the safety plan remains necessary for the child to reside safely in the home. This is consistent with DCF practice and Florida's Safety Methodology. However, judges are not bound by the same standards unless it is in statute and expressed in other court rules.

Community-Based Care Services

The bill amends s. 409.988(1)(j), F.S., to allow a lead agency to exceed the 35 percent threshold of providing direct care services to children and families in its circuit if approved by the court to do so. The lead agency must provide a justification of need to stakeholders to exceed the threshold. Stakeholders will review the justification of need and recommend to DCF whether it should approve or deny the request.

The bill amends various statutes to conform cross references to changes in the bill.

The bill will take effect July 1, 2020.

B. SECTION DIRECTORY:

Section 1: amending s. 25.385, F.S., relating to standards for instruction of circuit and county court judges.

Section 2: amending s. 39.301, F.S., relating to initiation of protective investigations.

Section 3: amending s. 39.522, F.S., relating to postdisposition change of custody.

Section 4: amending s. 39.6011, F.S., relating to case plan development.

Section 5: amending s. 39.701, F.S., relating to judicial review.

Section 6: creating s. 409.1415, F.S., relating to parenting partnerships for children in out-of-home care.

Section 7: amending s. 409.145, F.S., relating to care of children; quality parenting; "reasonable and prudent parent" standard.

Section 8: amending s. 409.988, F.S., relating to lead agency duties; general provisions.

Section 9: amending s. 39.302, F.S., relating to protective investigations of institutional child abuse, abandonment, or neglect.

Section 10: amending s. 39.6225, F.S., relating to guardian assistance program.

Section 11: amending s. 393.065, F.S., relating to application and eligibility determination.

Section 12: amending s. 409.1451, F.S., relating to the road-to-independence program.

Section 13: providing an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill does not have a fiscal impact upon DCF.

The State Court System indicates the bill's numerous changes to ss. 39.301 and 39.522, F.S., may have an indeterminate fiscal impact. The bill requires DCF to notify the court of reports to the Hotline that involve a child whose care is under jurisdiction of the court. This may increase judicial workload as additional hearings are conducted when a court is notified of such reports.

Additionally, the bill amends the factors a court is required to consider when evaluating a change in

a child's custody or placement, which would also negatively impact judicial workload. It is unknown how many additional hearings and evaluations may result from this bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides DCF rulemaking authority to implement s. 409.1415, F.S., related to parenting partnerships for children in out-of-home care.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 22, 2020, the Children, Families, and Seniors Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment:

- Retains language from the original bill.
- Requires county court judges handling dependency cases to be offered training by the Florida Court Educational Council.
- Relocates current statutory language in s. 409.145, F.S., relating to quality parenting, to a new section, s. 409.1415, F.S.; expands it to caregivers caring for children in out-of-home care; and directs DCF and CBCs to develop and support relationship between foster families and biological parents of children in out-of-home care, when it is safe and in the child's best interest, by:
 - Facilitating communication between foster parents and biological parents.
 - Developing a plan for biological parents to be involved in events involving their children.
 - Facilitating visitation between the biological parents and the child.
 - Developing a transition plan if the child needs to move placements.
 - Continuing relationships between biological parents and the child after adoption.

The analysis is drafted to the committee substitute as passed by the Children, Families, and Seniors Subcommittee.