

1 A bill to be entitled
2 An act relating to child welfare; amending s. 25.385,
3 F.S.; requiring the Florida Court Educational Council
4 to establish certain standards for instruction of
5 circuit court judges for dependency cases; requiring
6 the council to provide such instruction on a periodic
7 and timely basis; amending s. 39.301, F.S.; requiring
8 the Department of Children and Families to notify the
9 court of certain reports; authorizing the department
10 to file specified petitions under certain
11 circumstances; amending s. 39.522, F.S.; requiring the
12 court to consider specified factors when making a
13 certain determination; authorizing the court or any
14 party to the case to file a petition to place a child
15 in out-of-home care under certain circumstances;
16 requiring the court to consider specified factors when
17 determining whether the child should be placed in out-
18 of-home care; amending s. 39.6011, F.S.; revising and
19 providing requirements for case plan descriptions;
20 amending s. 39.701, F.S.; requiring the court to
21 retain jurisdiction over a child under certain
22 circumstances; requiring specified parties to disclose
23 certain information to the court; providing for
24 certain caregiver recommendations to the court;
25 requiring the court and citizen review panel to

26 | determine whether certain parties have developed a
 27 | productive relationship; amending s. 409.988, F.S.;
 28 | authorizing a lead agency to provide more than 35
 29 | percent of all child welfare services under certain
 30 | conditions; requiring a specified local community
 31 | alliance, or specified representatives in certain
 32 | circumstances, to review and recommend approval or
 33 | denial of the lead agency's request for a specified
 34 | exemption; requiring the court to evaluate and change
 35 | a child's permanency goal under certain circumstances;
 36 | providing an effective date.

37 |

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

39 |

40 | Section 1. Section 25.385, Florida Statutes, is amended to
 41 | read:

42 | 25.385 Standards for instruction of circuit and county
 43 | court judges ~~in handling domestic violence cases.~~

44 | (1) The Florida Court Educational Council shall establish
 45 | standards for instruction of circuit and county court judges who
 46 | have responsibility for domestic violence cases, and the council
 47 | shall provide such instruction on a periodic and timely basis.

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

49 | ~~(a)~~ the term "domestic violence" has the meaning set forth
 50 | in s. 741.28.

51 ~~(b) "Family or household member" has the meaning set forth~~
52 ~~in s. 741.28.~~

53 (2) The Florida Court Educational Council shall establish
54 standards for instruction of circuit court judges who have
55 responsibility for dependency cases regarding the benefits of a
56 secure attachment with a primary caregiver, the importance of a
57 stable placement, and the impact of trauma on child development.
58 The council shall provide such instruction to the circuit court
59 judges handling dependency cases on a periodic and timely basis.

60 Section 2. Subsection (1) and paragraph (a) of subsection
61 (9) of section 39.301, Florida Statutes, are amended to read:

62 39.301 Initiation of protective investigations.—

63 (1) (a) Upon receiving a report of known or suspected child
64 abuse, abandonment, or neglect, or that a child is in need of
65 supervision and care and has no parent, legal custodian, or
66 responsible adult relative immediately known and available to
67 provide supervision and care, the central abuse hotline shall
68 determine if the report requires an immediate onsite protective
69 investigation. For reports requiring an immediate onsite
70 protective investigation, the central abuse hotline shall
71 immediately notify the department's designated district staff
72 responsible for protective investigations to ensure that an
73 onsite investigation is promptly initiated. For reports not
74 requiring an immediate onsite protective investigation, the
75 central abuse hotline shall notify the department's designated

76 district staff responsible for protective investigations in
77 sufficient time to allow for an investigation. At the time of
78 notification, the central abuse hotline shall also provide
79 information to district staff on any previous report concerning
80 a subject of the present report or any pertinent information
81 relative to the present report or any noted earlier reports.

82 (b) The department shall promptly notify the court of any
83 report to the central abuse hotline that is accepted for a
84 protective investigation and involves a child over whom the
85 court has jurisdiction.

86 (9) (a) For each report received from the central abuse
87 hotline and accepted for investigation, the department or the
88 sheriff providing child protective investigative services under
89 s. 39.3065, shall perform the following child protective
90 investigation activities to determine child safety:

91 1. Conduct a review of all relevant, available information
92 specific to the child and family and alleged maltreatment;
93 family child welfare history; local, state, and federal criminal
94 records checks; and requests for law enforcement assistance
95 provided by the abuse hotline. Based on a review of available
96 information, including the allegations in the current report, a
97 determination shall be made as to whether immediate consultation
98 should occur with law enforcement, the Child Protection Team, a
99 domestic violence shelter or advocate, or a substance abuse or
100 mental health professional. Such consultations should include

101 discussion as to whether a joint response is necessary and
102 feasible. A determination shall be made as to whether the person
103 making the report should be contacted before the face-to-face
104 interviews with the child and family members.

105 2. Conduct face-to-face interviews with the child; other
106 siblings, if any; and the parents, legal custodians, or
107 caregivers.

108 3. Assess the child's residence, including a determination
109 of the composition of the family and household, including the
110 name, address, date of birth, social security number, sex, and
111 race of each child named in the report; any siblings or other
112 children in the same household or in the care of the same
113 adults; the parents, legal custodians, or caregivers; and any
114 other adults in the same household.

115 4. Determine whether there is any indication that any
116 child in the family or household has been abused, abandoned, or
117 neglected; the nature and extent of present or prior injuries,
118 abuse, or neglect, and any evidence thereof; and a determination
119 as to the person or persons apparently responsible for the
120 abuse, abandonment, or neglect, including the name, address,
121 date of birth, social security number, sex, and race of each
122 such person.

123 5. Complete assessment of immediate child safety for each
124 child based on available records, interviews, and observations
125 with all persons named in subparagraph 2. and appropriate

126 collateral contacts, which may include other professionals. The
127 department's child protection investigators are hereby
128 designated a criminal justice agency for the purpose of
129 accessing criminal justice information to be used for enforcing
130 this state's laws concerning the crimes of child abuse,
131 abandonment, and neglect. This information shall be used solely
132 for purposes supporting the detection, apprehension,
133 prosecution, pretrial release, posttrial release, or
134 rehabilitation of criminal offenders or persons accused of the
135 crimes of child abuse, abandonment, or neglect and may not be
136 further disseminated or used for any other purpose.

137 6. Document the present and impending dangers to each
138 child based on the identification of inadequate protective
139 capacity through utilization of a standardized safety assessment
140 instrument. If present or impending danger is identified, the
141 child protective investigator must implement a safety plan or
142 take the child into custody. If present danger is identified and
143 the child is not removed, the child protective investigator
144 shall create and implement a safety plan before leaving the home
145 or the location where there is present danger. If impending
146 danger is identified, the child protective investigator shall
147 create and implement a safety plan as soon as necessary to
148 protect the safety of the child. The child protective
149 investigator may modify the safety plan if he or she identifies
150 additional impending danger.

151 a. If the child protective investigator implements a
152 safety plan, the plan must be specific, sufficient, feasible,
153 and sustainable in response to the realities of the present or
154 impending danger. A safety plan may be an in-home plan or an
155 out-of-home plan, or a combination of both. A safety plan may
156 include tasks or responsibilities for a parent, caregiver, or
157 legal custodian. However, a safety plan may not rely on
158 promissory commitments by the parent, caregiver, or legal
159 custodian who is currently not able to protect the child or on
160 services that are not available or will not result in the safety
161 of the child. A safety plan may not be implemented if for any
162 reason the parents, guardian, or legal custodian lacks the
163 capacity or ability to comply with the plan. If the department
164 is not able to develop a plan that is specific, sufficient,
165 feasible, and sustainable, the department shall file a shelter
166 petition. A child protective investigator shall implement
167 separate safety plans for the perpetrator of domestic violence,
168 if the investigator, using reasonable efforts, can locate the
169 perpetrator to implement a safety plan, and for the parent who
170 is a victim of domestic violence as defined in s. 741.28.
171 Reasonable efforts to locate a perpetrator include, but are not
172 limited to, a diligent search pursuant to the same requirements
173 as in s. 39.503. If the perpetrator of domestic violence is not
174 the parent, guardian, or legal custodian of any child in the
175 home and if the department does not intend to file a shelter

176 petition or dependency petition that will assert allegations
177 against the perpetrator as a parent of a child in the home, the
178 child protective investigator shall seek issuance of an
179 injunction authorized by s. 39.504 to implement a safety plan
180 for the perpetrator and impose any other conditions to protect
181 the child. The safety plan for the parent who is a victim of
182 domestic violence may not be shared with the perpetrator. If any
183 party to a safety plan fails to comply with the safety plan
184 resulting in the child being unsafe, the department shall file a
185 shelter petition.

186 b. The child protective investigator shall collaborate
187 with the community-based care lead agency in the development of
188 the safety plan as necessary to ensure that the safety plan is
189 specific, sufficient, feasible, and sustainable. The child
190 protective investigator shall identify services necessary for
191 the successful implementation of the safety plan. The child
192 protective investigator and the community-based care lead agency
193 shall mobilize service resources to assist all parties in
194 complying with the safety plan. The community-based care lead
195 agency shall prioritize safety plan services to families who
196 have multiple risk factors, including, but not limited to, two
197 or more of the following:

- 198 (I) The parent or legal custodian is of young age;
199 (II) The parent or legal custodian, or an adult currently
200 living in or frequently visiting the home, has a history of

201 substance abuse, mental illness, or domestic violence;

202 (III) The parent or legal custodian, or an adult currently
203 living in or frequently visiting the home, has been previously
204 found to have physically or sexually abused a child;

205 (IV) The parent or legal custodian or an adult currently
206 living in or frequently visiting the home has been the subject
207 of multiple allegations by reputable reports of abuse or
208 neglect;

209 (V) The child is physically or developmentally disabled;
210 or

211 (VI) The child is 3 years of age or younger.

212 c. The child protective investigator shall monitor the
213 implementation of the plan to ensure the child's safety until
214 the case is transferred to the lead agency at which time the
215 lead agency shall monitor the implementation.

216 d. The department may file a petition for shelter or
217 dependency without a new child protective investigation or the
218 concurrence of the child protective investigator if the child is
219 unsafe but for the use of a safety plan and the parent or
220 caregiver has not sufficiently increased protective capacities
221 within 90 days after the transfer of the safety plan to the lead
222 agency.

223 Section 3. Subsection (1) of section 39.522, Florida
224 Statutes, is amended, and subsection (4) is added to that
225 section, to read:

226 39.522 Postdisposition change of custody.—The court may
227 change the temporary legal custody or the conditions of
228 protective supervision at a postdisposition hearing, without the
229 necessity of another adjudicatory hearing.

230 (1) (a) At any time before a child is residing in the
231 permanent placement approved at the permanency hearing, a child
232 who has been placed in the child's own home under the protective
233 supervision of an authorized agent of the department, in the
234 home of a relative, in the home of a legal custodian, or in some
235 other place may be brought before the court by the department or
236 by any other interested person, upon the filing of a motion
237 alleging a need for a change in the conditions of protective
238 supervision or the placement. If the parents or other legal
239 custodians deny the need for a change, the court shall hear all
240 parties in person or by counsel, or both. Upon the admission of
241 a need for a change or after such hearing, the court shall enter
242 an order changing the placement, modifying the conditions of
243 protective supervision, or continuing the conditions of
244 protective supervision as ordered. The standard for changing
245 custody of the child shall be the best interests ~~interest~~ of the
246 child. When determining whether a change of legal custody or
247 placement is in ~~applying this standard, the court shall consider~~
248 ~~the continuity of the child's placement in the same out-of-home~~
249 ~~residence as a factor when determining~~ the best interests of the
250 child, the court shall consider:

251 1. The child's age.

252 2. The physical, mental, and emotional health benefits to
253 the child by remaining in his or her current placement or moving
254 to the proposed placement.

255 3. The stability and longevity of the child's current
256 placement.

257 4. The established bonded relationship between the child
258 and the current or proposed caregiver.

259 5. The reasonable preference of the child, if the court
260 has found that the child is of sufficient intelligence,
261 understanding, and experience to express a preference.

262 6. The recommendation of the child's current caregiver.

263 7. The recommendation of the child's guardian ad litem, if
264 one has been appointed.

265 8. The child's previous and current relationship with a
266 sibling, if the change of legal custody or placement will
267 separate or reunite siblings.

268 9. The likelihood of the child attaining permanency in the
269 current or proposed placement.

270 10. Any other relevant factors.

271 (b) If the child is not placed in foster care, ~~then~~ the
272 new placement for the child must meet the home study criteria
273 and court approval under ~~pursuant to~~ this chapter.

274 (4) (a) The court or any party to the case may file a
275 petition to place a child in out-of-home care after the child

276 was placed in the child's own home with an in-home safety plan
 277 or the child was reunified with a parent or caregiver with an
 278 in-home safety plan if:

279 1. The child has again been abused, neglected, or
 280 abandoned by the parent or caregiver, or is suffering from or is
 281 in imminent danger of illness or injury as a result of abuse,
 282 neglect, or abandonment that has reoccurred; or

283 2. The parent or caregiver has materially violated a
 284 condition of placement imposed by the court, including, but not
 285 limited to, not complying with the in-home safety plan or case
 286 plan.

287 (b) If a child meets the criteria in paragraph (a) to be
 288 removed and placed in out-of-home care, the court must consider,
 289 at a minimum, the following in making its determination to
 290 remove the child and place the child in out-of-home care:

291 1. The circumstances that caused the child's dependency
 292 and other subsequently identified issues.

293 2. The length of time the child has been placed in the
 294 home with an in-home safety plan.

295 3. The parent's or caregiver's current level of protective
 296 capacities.

297 4. The level of increase, if any, in the parent's or
 298 caregiver's protective capacities since the child's placement in
 299 the home based on the length of time the child has been placed
 300 in the home.

301 (c) The court shall evaluate the child's permanency goal
 302 and change the permanency goal as needed if doing so would be in
 303 the best interests of the child.

304 Section 4. Subsection (5) of section 39.6011, Florida
 305 Statutes, is amended to read:

306 39.6011 Case plan development.—

307 (5) The case plan must describe all of the following:

308 (a) The role of the foster parents or caregivers ~~legal~~
 309 ~~custodians~~ when developing the services that are to be provided
 310 to the child, foster parents, or caregivers. ~~legal custodians;~~

311 (b) The responsibility of the parents and caregivers to
 312 work together to successfully implement the case plan, how the
 313 case manager will assist the parents and caregivers in
 314 developing a productive relationship that includes meaningful
 315 communication and mutual support, and the ability of the parents
 316 or caregivers to notify the court or the case manager if
 317 ineffective communication takes place that negatively impacts
 318 the child.

319 (c) ~~(b)~~ The responsibility of the case manager to forward a
 320 relative's request to receive notification of all proceedings
 321 and hearings submitted under ~~pursuant to~~ s. 39.301(14)(b) to the
 322 attorney for the department. ~~†~~

323 (d) ~~(e)~~ The minimum number of face-to-face meetings to be
 324 held each month between the parents and the department's family
 325 services counselors to review the progress of the plan, to

326 eliminate barriers to progress, and to resolve conflicts or
 327 disagreements between parents and caregivers, service providers,
 328 or any other professional assisting the parents in the
 329 completion of the case plan.~~;~~ ~~and~~

330 (e)~~(d)~~ The parent's responsibility for financial support
 331 of the child, including, but not limited to, health insurance
 332 and child support. The case plan must list the costs associated
 333 with any services or treatment that the parent and child are
 334 expected to receive which are the financial responsibility of
 335 the parent. The determination of child support and other
 336 financial support shall be made independently of any
 337 determination of indigency under s. 39.013.

338 Section 5. Paragraph (b) of subsection (1) and paragraphs
 339 (a) and (c) of subsection (2) of section 39.701, Florida
 340 Statutes, are amended to read:

341 39.701 Judicial review.—

342 (1) GENERAL PROVISIONS.—

343 (b)1. The court shall retain jurisdiction over a child
 344 returned to his or her parents for a minimum period of 6 months
 345 following the reunification, but, at that time, based on a
 346 report of the social service agency and the guardian ad litem,
 347 if one has been appointed, and any other relevant factors, the
 348 court shall make a determination as to whether supervision by
 349 the department and the court's jurisdiction shall continue or be
 350 terminated.

351 2. Notwithstanding subparagraph 1., the court must retain
352 jurisdiction over a child if the child is placed in the home
353 with a parent or caregiver with an in-home safety plan and such
354 safety plan remains necessary for the child to reside safely in
355 the home.

356 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
357 AGE.—

358 (a) Social study report for judicial review.—Before every
359 judicial review hearing or citizen review panel hearing, the
360 social service agency shall make an investigation and social
361 study concerning all pertinent details relating to the child and
362 shall furnish to the court or citizen review panel a written
363 report that includes, but is not limited to:

364 1. A description of the type of placement the child is in
365 at the time of the hearing, including the safety of the child
366 and the continuing necessity for and appropriateness of the
367 placement.

368 2. Documentation of the diligent efforts made by all
369 parties to the case plan to comply with each applicable
370 provision of the plan.

371 3. The amount of fees assessed and collected during the
372 period of time being reported.

373 4. The services provided to the foster family or caregiver
374 ~~legal custodian~~ in an effort to address the needs of the child
375 as indicated in the case plan.

- 376 5. A statement that either:
- 377 a. The parent, though able to do so, did not comply
- 378 substantially with the case plan, and the agency
- 379 recommendations;
- 380 b. The parent did substantially comply with the case plan;
- 381 or
- 382 c. The parent has partially complied with the case plan,
- 383 with a summary of additional progress needed and the agency
- 384 recommendations.
- 385 6. A statement from the foster parent or caregiver ~~legal~~
- 386 ~~custodian~~ providing any material evidence concerning the well-
- 387 being of the child, the impact of any services provided to the
- 388 child, the working relationship between the parents and
- 389 caregivers, and the return of the child to the ~~parent or~~
- 390 parents.
- 391 7. A statement concerning the frequency, duration, and
- 392 results of the parent-child visitation, if any, and the agency
- 393 and caregiver recommendations for an expansion or restriction of
- 394 future visitation.
- 395 8. The number of times a child has been removed from his
- 396 or her home and placed elsewhere, the number and types of
- 397 placements that have occurred, and the reason for the changes in
- 398 placement.
- 399 9. The number of times a child's educational placement has
- 400 been changed, the number and types of educational placements

401 which have occurred, and the reason for any change in placement.

402 10. If the child has reached 13 years of age but is not
403 yet 18 years of age, a statement from the caregiver on the
404 progress the child has made in acquiring independent living
405 skills.

406 11. Copies of all medical, psychological, and educational
407 records that support the terms of the case plan and that have
408 been produced concerning the parents or any caregiver since the
409 last judicial review hearing.

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

412 (c) Review determinations.—The court and any citizen
413 review panel shall take into consideration the information
414 contained in the social services study and investigation and all
415 medical, psychological, and educational records that support the
416 terms of the case plan; testimony by the social services agency,
417 the parent, the foster parent or caregiver ~~legal custodian~~, the
418 guardian ad litem or surrogate parent for educational
419 decisionmaking if one has been appointed for the child, and any
420 other person deemed appropriate; and any relevant and material
421 evidence submitted to the court, including written and oral
422 reports to the extent of their probative value. These reports
423 and evidence may be received by the court in its effort to
424 determine the action to be taken with regard to the child and
425 may be relied upon to the extent of their probative value, even

426 | though not competent in an adjudicatory hearing. In its
427 | deliberations, the court and any citizen review panel shall seek
428 | to determine:

429 | 1. If the parent was advised of the right to receive
430 | assistance from any person or social service agency in the
431 | preparation of the case plan.

432 | 2. If the parent has been advised of the right to have
433 | counsel present at the judicial review or citizen review
434 | hearings. If not so advised, the court or citizen review panel
435 | shall advise the parent of such right.

436 | 3. If a guardian ad litem needs to be appointed for the
437 | child in a case in which a guardian ad litem has not previously
438 | been appointed or if there is a need to continue a guardian ad
439 | litem in a case in which a guardian ad litem has been appointed.

440 | 4. Who holds the rights to make educational decisions for
441 | the child. If appropriate, the court may refer the child to the
442 | district school superintendent for appointment of a surrogate
443 | parent or may itself appoint a surrogate parent under the
444 | Individuals with Disabilities Education Act and s. 39.0016.

445 | 5. The compliance or lack of compliance of all parties
446 | with applicable items of the case plan, including the parents'
447 | compliance with child support orders.

448 | 6. The compliance or lack of compliance with a visitation
449 | contract between the parent and the social service agency for
450 | contact with the child, including the frequency, duration, and

451 results of the parent-child visitation and the reason for any
452 noncompliance.

453 7. The frequency, kind, and duration of contacts among
454 siblings who have been separated during placement, as well as
455 any efforts undertaken to reunite separated siblings if doing so
456 is in the best interests ~~interest~~ of the child.

457 8. The compliance or lack of compliance of the parent in
458 meeting specified financial obligations pertaining to the care
459 of the child, including the reason for failure to comply, if
460 applicable.

461 9. Whether the child is receiving safe and proper care
462 according to s. 39.6012, including, but not limited to, the
463 appropriateness of the child's current placement, including
464 whether the child is in a setting that is as family-like and as
465 close to the parent's home as possible, consistent with the
466 child's best interests and special needs, and including
467 maintaining stability in the child's educational placement, as
468 documented by assurances from the community-based care lead
469 agency ~~provider~~ that:

470 a. The placement of the child takes into account the
471 appropriateness of the current educational setting and the
472 proximity to the school in which the child is enrolled at the
473 time of placement.

474 b. The community-based care lead agency has coordinated
475 with appropriate local educational agencies to ensure that the

476 child remains in the school in which the child is enrolled at
477 the time of placement.

478 10. A projected date likely for the child's return home or
479 other permanent placement.

480 11. When appropriate, the basis for the unwillingness or
481 inability of the parent to become a party to a case plan. The
482 court and the citizen review panel shall determine if the
483 efforts of the social service agency to secure party
484 participation in a case plan were sufficient.

485 12. For a child who has reached 13 years of age but is not
486 yet 18 years of age, the adequacy of the child's preparation for
487 adulthood and independent living. For a child who is 15 years of
488 age or older, the court shall determine if appropriate steps are
489 being taken for the child to obtain a driver license or
490 learner's driver license.

491 13. If amendments to the case plan are required.
492 Amendments to the case plan must be made under s. 39.6013.

493 14. If the parents and caregivers have developed a
494 productive relationship that includes meaningful communication
495 and mutual support.

496 Section 6. Paragraph (j) of subsection (1) of section
497 409.988, Florida Statutes, is amended to read:

498 409.988 Lead agency duties; general provisions.—

499 (1) DUTIES.—A lead agency:

500 (j) May subcontract for the provision of services required

501 by the contract with the lead agency and the department;
502 however, the subcontracts must specify how the provider will
503 contribute to the lead agency meeting the performance standards
504 established pursuant to the child welfare results-oriented
505 accountability system required by s. 409.997. The lead agency
506 shall directly provide no more than 35 percent of all child
507 welfare services provided unless it can demonstrate a need,
508 within the lead agency's geographic service area, to exceed this
509 threshold. The local community alliance in the geographic
510 service area in which the lead agency is seeking to exceed the
511 threshold shall review the lead agency's justification for need
512 and recommend to the department whether the department should
513 approve or deny the lead agency's request for an exemption from
514 the services threshold. If there is not a community alliance
515 operating in the geographic service area in which the lead
516 agency is seeking to exceed the threshold, such review and
517 recommendation shall be made by representatives of local
518 stakeholders, including at least one representative from each of
519 the following:

- 520 1. The department.
- 521 2. The county government.
- 522 3. The school district.
- 523 4. The county United Way.
- 524 5. The county sheriff's office.
- 525 6. The circuit court corresponding to the county.

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526 | 7. The county children's board, if one exists.

527 | Section 7. This act shall take effect July 1, 2020.