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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
01/15/2020	.	
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The Committee on Children, Families, and Elder Affairs (Simpson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1 Section 25.385, Florida Statutes, is amended to  
read:

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

(1) The Florida Court Educational Council shall establish  
standards for instruction of circuit and county court judges who



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11 have responsibility for domestic violence cases, and the council  
12 shall provide such instruction on a periodic and timely basis.

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

14 ~~(a) the term "domestic violence" has the meaning set forth~~  
15 ~~in s. 741.28.~~

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

18 (2) The Florida Court Educational Council shall establish  
19 standards for instruction of circuit and county court judges who  
20 have responsibility for dependency cases regarding the benefits  
21 of a secure attachment with a primary caregiver, the importance  
22 of a stable placement, and the impact of trauma on child  
23 development. The council shall provide such instruction to the  
24 circuit and county court judges handling dependency cases on a  
25 periodic and timely basis.

26 Section 1. Section 39.01304, Florida Statutes, is created  
27 to read:

28 39.01304 Early childhood court programs.-

29 (1) It is the intent of the Legislature to encourage the  
30 department, the Department of Health, the Association of Early  
31 Learning Coalitions, and other such agencies; local governments;  
32 interested public or private entities; and individuals to  
33 support the creation and establishment of early childhood court  
34 programs. The purpose of an early childhood court program is to  
35 address the root cause of court involvement through specialized  
36 dockets, multidisciplinary teams, evidence-based treatment, and  
37 the use of a nonadversarial approach. Such programs depend on  
38 the leadership of a judge or magistrate who is educated about  
39 the science of early childhood development and who requires



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40 rigorous efforts to heal children physically and emotionally in  
41 the context of a broad collaboration among professionals from  
42 different systems working directly in the court as a team,  
43 recognizing that the parent-child relationship is the foundation  
44 of child well-being.

45 (2) A circuit court may create an early childhood court  
46 program to serve the needs of infants and toddlers in dependency  
47 court. An early childhood court program must have all of the  
48 following components:

49 (a) Therapeutic jurisprudence, which must drive every  
50 aspect of judicial practice. The judge or magistrate must  
51 support the therapeutic needs of the parent and child in a  
52 nonadversarial manner. As used in this paragraph, the term  
53 "therapeutic jurisprudence" means the study of how the law may  
54 be used as a therapeutic agent and focuses on how laws impact  
55 emotional and psychological well-being.

56 (b) A procedure for coordinating services and resources for  
57 families who have a case on the court docket. To meet this  
58 requirement, the court may create and fill at least one  
59 community coordinator position pursuant to paragraph (3)(a).

60 (c) A multidisciplinary team made up of key community  
61 stakeholders who commit to work with the judge or magistrate to  
62 restructure the way the community responds to the needs of  
63 maltreated children. The team may include, but is not limited  
64 to, early intervention specialists; mental health and infant  
65 mental health professionals; attorneys representing children,  
66 parents, and the child welfare system; children's advocates;  
67 early learning coalitions and child care providers; substance  
68 abuse program providers; primary health care providers; domestic



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69 violence advocates; and guardians ad litem. The  
70 multidisciplinary team must address the need for children in an  
71 early childhood court program to receive medical care in a  
72 medical home, a screening for developmental delays conducted by  
73 the local agency responsible for complying with part C of the  
74 federal Individuals with Disabilities Education Act, and quality  
75 child care.

76 (d) A continuum of mental health services which includes a  
77 focus on the parent-child relationship and is appropriate for  
78 each child and family served.

79 (3) Contingent upon an annual appropriation by the  
80 Legislature, and subject to available resources:

81 (a) The Office of the State Courts Administrator shall  
82 coordinate with each participating circuit court to create and  
83 fill at least one community coordinator position for the  
84 circuit's early childhood court program. Each community  
85 coordinator shall provide direct support to the program by  
86 providing coordination between the multidisciplinary team and  
87 the judiciary, coordinating the responsibilities of the  
88 participating agencies and service providers, and managing the  
89 collection of data for program evaluation and accountability.  
90 The Office of State Courts Administrator may hire a statewide  
91 training specialist to provide training to the participating  
92 court teams.

93 (b) The department shall contract with one or more  
94 university-based centers that have expertise in infant mental  
95 health, and such university-based centers shall hire a clinical  
96 director charged with ensuring the quality, accountability, and  
97 fidelity of the program's evidence-based treatment, including,



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98 but not limited to, training and technical assistance related to  
99 clinical services, clinical consultation and guidance for  
100 difficult cases, and ongoing clinical training for court teams.

101 Section 2. Subsection (1) of section 39.0138, Florida  
102 Statutes, is amended to read

103 39.0138 Criminal history and other records checks; limit on  
104 placement of a child.-

105 (1) The department shall conduct a records check through  
106 the State Automated Child Welfare Information System (SACWIS)  
107 and a local and statewide criminal history records check on all  
108 persons, including parents, being considered by the department  
109 for placement of a child under this chapter, including all  
110 nonrelative placement decisions, and all members of the  
111 household, 12 years of age and older, of the person being  
112 considered. For purposes of this section, a criminal history  
113 records check may include, but is not limited to, submission of  
114 fingerprints to the Department of Law Enforcement for processing  
115 and forwarding to the Federal Bureau of Investigation for state  
116 and national criminal history information, and local criminal  
117 records checks through local law enforcement agencies of all  
118 household members 18 years of age and older and other visitors  
119 to the home. Background screenings must be completed within 14  
120 business days after criminal history results are received by the  
121 department, unless additional information regarding the criminal  
122 history is required to complete processing. An out-of-state  
123 criminal history records check must be initiated for any person  
124 18 years of age or older who resided in another state if that  
125 state allows the release of such records. The department shall  
126 establish by rule standards for evaluating any information



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127 contained in the automated system relating to a person who must  
128 be screened for purposes of making a placement decision.

129 Section 3. Subsection (1) and paragraph (a) of subsection  
130 (9) of section 39.301, Florida Statutes, are amended to read:

131 39.301 Initiation of protective investigations.-

132 (1) (a) Upon receiving a report of known or suspected child  
133 abuse, abandonment, or neglect, or that a child is in need of  
134 supervision and care and has no parent, legal custodian, or  
135 responsible adult relative immediately known and available to  
136 provide supervision and care, the central abuse hotline shall  
137 determine if the report requires an immediate onsite protective  
138 investigation. For reports requiring an immediate onsite  
139 protective investigation, the central abuse hotline shall  
140 immediately notify the department's designated district staff  
141 responsible for protective investigations to ensure that an  
142 onsite investigation is promptly initiated. For reports not  
143 requiring an immediate onsite protective investigation, the  
144 central abuse hotline shall notify the department's designated  
145 district staff responsible for protective investigations in  
146 sufficient time to allow for an investigation. At the time of  
147 notification, the central abuse hotline shall also provide  
148 information to district staff on any previous report concerning  
149 a subject of the present report or any pertinent information  
150 relative to the present report or any noted earlier reports.

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

155 (9) (a) For each report received from the central abuse



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156 hotline and accepted for investigation, the department or the  
157 sheriff providing child protective investigative services under  
158 s. 39.3065, shall perform the following child protective  
159 investigation activities to determine child safety:

160 1. Conduct a review of all relevant, available information  
161 specific to the child and family and alleged maltreatment;  
162 family child welfare history; local, state, and federal criminal  
163 records checks; and requests for law enforcement assistance  
164 provided by the abuse hotline. Based on a review of available  
165 information, including the allegations in the current report, a  
166 determination shall be made as to whether immediate consultation  
167 should occur with law enforcement, the Child Protection Team, a  
168 domestic violence shelter or advocate, or a substance abuse or  
169 mental health professional. Such consultations should include  
170 discussion as to whether a joint response is necessary and  
171 feasible. A determination shall be made as to whether the person  
172 making the report should be contacted before the face-to-face  
173 interviews with the child and family members.

174 2. Conduct face-to-face interviews with the child; other  
175 siblings, if any; and the parents, legal custodians, or  
176 caregivers.

177 3. Assess the child's residence, including a determination  
178 of the composition of the family and household, including the  
179 name, address, date of birth, social security number, sex, and  
180 race of each child named in the report; any siblings or other  
181 children in the same household or in the care of the same  
182 adults; the parents, legal custodians, or caregivers; and any  
183 other adults in the same household.

184 4. Determine whether there is any indication that any child



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185 in the family or household has been abused, abandoned, or  
186 neglected; the nature and extent of present or prior injuries,  
187 abuse, or neglect, and any evidence thereof; and a determination  
188 as to the person or persons apparently responsible for the  
189 abuse, abandonment, or neglect, including the name, address,  
190 date of birth, social security number, sex, and race of each  
191 such person.

192 5. Complete assessment of immediate child safety for each  
193 child based on available records, interviews, and observations  
194 with all persons named in subparagraph 2. and appropriate  
195 collateral contacts, which may include other professionals. The  
196 department's child protection investigators are hereby  
197 designated a criminal justice agency for the purpose of  
198 accessing criminal justice information to be used for enforcing  
199 this state's laws concerning the crimes of child abuse,  
200 abandonment, and neglect. This information shall be used solely  
201 for purposes supporting the detection, apprehension,  
202 prosecution, pretrial release, posttrial release, or  
203 rehabilitation of criminal offenders or persons accused of the  
204 crimes of child abuse, abandonment, or neglect and may not be  
205 further disseminated or used for any other purpose.

206 6. Document the present and impending dangers to each child  
207 based on the identification of inadequate protective capacity  
208 through utilization of a standardized safety assessment  
209 instrument. If present or impending danger is identified, the  
210 child protective investigator must implement a safety plan or  
211 take the child into custody. If present danger is identified and  
212 the child is not removed, the child protective investigator  
213 shall create and implement a safety plan before leaving the home





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214 or the location where there is present danger. If impending  
215 danger is identified, the child protective investigator shall  
216 create and implement a safety plan as soon as necessary to  
217 protect the safety of the child. The child protective  
218 investigator may modify the safety plan if he or she identifies  
219 additional impending danger.

220 a. If the child protective investigator implements a safety  
221 plan, the plan must be specific, sufficient, feasible, and  
222 sustainable in response to the realities of the present or  
223 impending danger. A safety plan may be an in-home plan or an  
224 out-of-home plan, or a combination of both. A safety plan may  
225 include tasks or responsibilities for a parent, caregiver, or  
226 legal custodian. However, a safety plan may not rely on  
227 promissory commitments by the parent, caregiver, or legal  
228 custodian who is currently not able to protect the child or on  
229 services that are not available or will not result in the safety  
230 of the child. A safety plan may not be implemented if for any  
231 reason the parents, guardian, or legal custodian lacks the  
232 capacity or ability to comply with the plan. If the department  
233 is not able to develop a plan that is specific, sufficient,  
234 feasible, and sustainable, the department shall file a shelter  
235 petition. A child protective investigator shall implement  
236 separate safety plans for the perpetrator of domestic violence,  
237 if the investigator, using reasonable efforts, can locate the  
238 perpetrator to implement a safety plan, and for the parent who  
239 is a victim of domestic violence as defined in s. 741.28.  
240 Reasonable efforts to locate a perpetrator include, but are not  
241 limited to, a diligent search pursuant to the same requirements  
242 as in s. 39.503. If the perpetrator of domestic violence is not



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243 the parent, guardian, or legal custodian of any child in the  
244 home and if the department does not intend to file a shelter  
245 petition or dependency petition that will assert allegations  
246 against the perpetrator as a parent of a child in the home, the  
247 child protective investigator shall seek issuance of an  
248 injunction authorized by s. 39.504 to implement a safety plan  
249 for the perpetrator and impose any other conditions to protect  
250 the child. The safety plan for the parent who is a victim of  
251 domestic violence may not be shared with the perpetrator. If any  
252 party to a safety plan fails to comply with the safety plan  
253 resulting in the child being unsafe, the department shall file a  
254 shelter petition.

255       b. The child protective investigator shall collaborate with  
256 the community-based care lead agency in the development of the  
257 safety plan as necessary to ensure that the safety plan is  
258 specific, sufficient, feasible, and sustainable. The child  
259 protective investigator shall identify services necessary for  
260 the successful implementation of the safety plan. The child  
261 protective investigator and the community-based care lead agency  
262 shall mobilize service resources to assist all parties in  
263 complying with the safety plan. The community-based care lead  
264 agency shall prioritize safety plan services to families who  
265 have multiple risk factors, including, but not limited to, two  
266 or more of the following:

- 267       (I) The parent or legal custodian is of young age;  
268       (II) The parent or legal custodian, or an adult currently  
269 living in or frequently visiting the home, has a history of  
270 substance abuse, mental illness, or domestic violence;  
271       (III) The parent or legal custodian, or an adult currently



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272 living in or frequently visiting the home, has been previously  
273 found to have physically or sexually abused a child;

274 (IV) The parent or legal custodian or an adult currently  
275 living in or frequently visiting the home has been the subject  
276 of multiple allegations by reputable reports of abuse or  
277 neglect;

278 (V) The child is physically or developmentally disabled; or

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

280 c. The child protective investigator shall monitor the  
281 implementation of the plan to ensure the child's safety until  
282 the case is transferred to the lead agency at which time the  
283 lead agency shall monitor the implementation.

284 d. The department may file a petition for shelter or  
285 dependency without a new child protective investigation or the  
286 concurrence of the child protective investigator if the child is  
287 unsafe but for the use of a safety plan and the parent or  
288 caregiver has not sufficiently increased protective capacities  
289 within 90 days after the transfer of the safety plan to the lead  
290 agency.

291 Section 4. Subsection (1) of section 39.522, Florida  
292 Statutes, is amended, and subsection (4) is added to that  
293 section, to read:

294 39.522 Postdisposition change of custody.—The court may  
295 change the temporary legal custody or the conditions of  
296 protective supervision at a postdisposition hearing, without the  
297 necessity of another adjudicatory hearing.

298 (1) (a) At any time before a child is residing in the  
299 permanent placement approved at the permanency hearing, a child  
300 who has been placed in the child's own home under the protective



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301 supervision of an authorized agent of the department, in the  
302 home of a relative, in the home of a legal custodian, or in some  
303 other place may be brought before the court by the department or  
304 by any other interested person, upon the filing of a motion  
305 alleging a need for a change in the conditions of protective  
306 supervision or the placement. If the parents or other legal  
307 custodians deny the need for a change, the court shall hear all  
308 parties in person or by counsel, or both. Upon the admission of  
309 a need for a change or after such hearing, the court shall enter  
310 an order changing the placement, modifying the conditions of  
311 protective supervision, or continuing the conditions of  
312 protective supervision as ordered. The standard for changing  
313 custody of the child shall be the best interests ~~interest~~ of the  
314 child. When determining whether a change of legal custody or  
315 placement is in applying this standard, the court shall consider  
316 the continuity of the child's placement in the same out-of-home  
317 residence as a factor when determining the best interests of the  
318 child, the court shall consider:

- 319 1. The child's age.
- 320 2. The physical, mental, and emotional health benefits to  
321 the child by remaining in his or her current placement or moving  
322 to the proposed placement.
- 323 3. The stability and longevity of the child's current  
324 placement.
- 325 4. The established bonded relationship between the child  
326 and the current or proposed caregiver.
- 327 5. The reasonable preference of the child, if the court has  
328 found that the child is of sufficient intelligence,  
329 understanding, and experience to express a preference.



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

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

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

336 9. The likelihood of the child attaining permanency in the  
337 current or proposed placement.

338 10. Any other relevant factors.

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

342 (4) (a) The court or any party to the case may file a  
343 petition to place a child in out-of-home care after the child  
344 was placed in the child's own home with an in-home safety plan  
345 or the child was reunified with a parent or caregiver with an  
346 in-home safety plan if:

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

351 2. The parent or caregiver has materially violated a  
352 condition of placement imposed by the court, including, but not  
353 limited to, not complying with the in-home safety plan or case  
354 plan.

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



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

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

363 3. The parent's or caregiver's current level of protective  
364 capacities.

365 4. The level of increase, if any, in the parent's or  
366 caregiver's protective capacities since the child's placement in  
367 the home based on the length of time the child has been placed  
368 in the home.

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

372 Section 5. Subsection (5) of section 39.6011, Florida  
373 Statutes, is amended to read:

374 39.6011 Case plan development.—

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

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

379 (b) The responsibility of the parents and caregivers to  
380 work together to successfully implement the case plan, how the  
381 case manager will assist the parents and caregivers in  
382 developing a productive relationship that includes meaningful  
383 communication and mutual support, and the ability of the parents  
384 or caregivers to notify the court or the case manager if  
385 ineffective communication takes place that negatively impacts  
386 the child.

387 (c) ~~(b)~~ The responsibility of the case manager to forward a



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388 relative's request to receive notification of all proceedings  
389 and hearings submitted under ~~pursuant to~~ s. 39.301(14)(b) to the  
390 attorney for the department. ~~+~~

391 (d) ~~(e)~~ The minimum number of face-to-face meetings to be  
392 held each month between the parents and the department's family  
393 services counselors to review the progress of the plan, to  
394 eliminate barriers to progress, and to resolve conflicts or  
395 disagreements between parents and caregivers, service providers,  
396 or any other professional assisting the parents in the  
397 completion of the case plan. ~~+~~ and

398 (e) ~~(d)~~ The parent's responsibility for financial support of  
399 the child, including, but not limited to, health insurance and  
400 child support. The case plan must list the costs associated with  
401 any services or treatment that the parent and child are expected  
402 to receive which are the financial responsibility of the parent.  
403 The determination of child support and other financial support  
404 shall be made independently of any determination of indigency  
405 under s. 39.013.

406 Section 6. Paragraph (b) of subsection (1) and paragraphs  
407 (a) and (c) of subsection (2) of section 39.701, Florida  
408 Statutes, are amended to read:

409 39.701 Judicial review.—

410 (1) GENERAL PROVISIONS.—

411 (b) 1. The court shall retain jurisdiction over a child  
412 returned to his or her parents for a minimum period of 6 months  
413 following the reunification, but, at that time, based on a  
414 report of the social service agency and the guardian ad litem,  
415 if one has been appointed, and any other relevant factors, the  
416 court shall make a determination as to whether supervision by



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417 the department and the court's jurisdiction shall continue or be  
418 terminated.

419 2. Notwithstanding subparagraph 1., the court must retain  
420 jurisdiction over a child if the child is placed in the home  
421 with a parent or caregiver with an in-home safety plan and such  
422 safety plan remains necessary for the child to reside safely in  
423 the home.

424 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
425 AGE.—

426 (a) Social study report for judicial review.—Before every  
427 judicial review hearing or citizen review panel hearing, the  
428 social service agency shall make an investigation and social  
429 study concerning all pertinent details relating to the child and  
430 shall furnish to the court or citizen review panel a written  
431 report that includes, but is not limited to:

432 1. A description of the type of placement the child is in  
433 at the time of the hearing, including the safety of the child  
434 and the continuing necessity for and appropriateness of the  
435 placement.

436 2. Documentation of the diligent efforts made by all  
437 parties to the case plan to comply with each applicable  
438 provision of the plan.

439 3. The amount of fees assessed and collected during the  
440 period of time being reported.

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

444 5. A statement that either:

445 a. The parent, though able to do so, did not comply





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446 substantially with the case plan, and the agency  
447 recommendations;

448         b. The parent did substantially comply with the case plan;  
449 or

450         c. The parent has partially complied with the case plan,  
451 with a summary of additional progress needed and the agency  
452 recommendations.

453         6. A statement from the foster parent or caregiver ~~legal~~  
454 ~~custodian~~ providing any material evidence concerning the well-  
455 being of the child, the impact of any services provided to the  
456 child, the working relationship between the parents and  
457 caregivers, and the return of the child to the ~~parent or~~  
458 parents.

459         7. A statement concerning the frequency, duration, and  
460 results of the parent-child visitation, if any, and the agency  
461 and caregiver recommendations for an expansion or restriction of  
462 future visitation.

463         8. The number of times a child has been removed from his or  
464 her home and placed elsewhere, the number and types of  
465 placements that have occurred, and the reason for the changes in  
466 placement.

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

470         10. If the child has reached 13 years of age but is not yet  
471 18 years of age, a statement from the caregiver on the progress  
472 the child has made in acquiring independent living skills.

473         11. Copies of all medical, psychological, and educational  
474 records that support the terms of the case plan and that have



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475 been produced concerning the parents or any caregiver since the  
476 last judicial review hearing.

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

479 (c) *Review determinations.*—The court and any citizen review  
480 panel shall take into consideration the information contained in  
481 the social services study and investigation and all medical,  
482 psychological, and educational records that support the terms of  
483 the case plan; testimony by the social services agency, the  
484 parent, the foster parent or caregiver ~~legal custodian~~, the  
485 guardian ad litem or surrogate parent for educational  
486 decisionmaking if one has been appointed for the child, and any  
487 other person deemed appropriate; and any relevant and material  
488 evidence submitted to the court, including written and oral  
489 reports to the extent of their probative value. These reports  
490 and evidence may be received by the court in its effort to  
491 determine the action to be taken with regard to the child and  
492 may be relied upon to the extent of their probative value, even  
493 though not competent in an adjudicatory hearing. In its  
494 deliberations, the court and any citizen review panel shall seek  
495 to determine:

496 1. If the parent was advised of the right to receive  
497 assistance from any person or social service agency in the  
498 preparation of the case plan.

499 2. If the parent has been advised of the right to have  
500 counsel present at the judicial review or citizen review  
501 hearings. If not so advised, the court or citizen review panel  
502 shall advise the parent of such right.

503 3. If a guardian ad litem needs to be appointed for the



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504 child in a case in which a guardian ad litem has not previously  
505 been appointed or if there is a need to continue a guardian ad  
506 litem in a case in which a guardian ad litem has been appointed.

507 4. Who holds the rights to make educational decisions for  
508 the child. If appropriate, the court may refer the child to the  
509 district school superintendent for appointment of a surrogate  
510 parent or may itself appoint a surrogate parent under the  
511 Individuals with Disabilities Education Act and s. 39.0016.

512 5. The compliance or lack of compliance of all parties with  
513 applicable items of the case plan, including the parents'  
514 compliance with child support orders.

515 6. The compliance or lack of compliance with a visitation  
516 contract between the parent and the social service agency for  
517 contact with the child, including the frequency, duration, and  
518 results of the parent-child visitation and the reason for any  
519 noncompliance.

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

524 8. The compliance or lack of compliance of the parent in  
525 meeting specified financial obligations pertaining to the care  
526 of the child, including the reason for failure to comply, if  
527 applicable.

528 9. Whether the child is receiving safe and proper care  
529 according to s. 39.6012, including, but not limited to, the  
530 appropriateness of the child's current placement, including  
531 whether the child is in a setting that is as family-like and as  
532 close to the parent's home as possible, consistent with the



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533 child's best interests and special needs, and including  
534 maintaining stability in the child's educational placement, as  
535 documented by assurances from the community-based care lead  
536 agency provider that:

537 a. The placement of the child takes into account the  
538 appropriateness of the current educational setting and the  
539 proximity to the school in which the child is enrolled at the  
540 time of placement.

541 b. The community-based care lead agency has coordinated  
542 with appropriate local educational agencies to ensure that the  
543 child remains in the school in which the child is enrolled at  
544 the time of placement.

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

547 11. When appropriate, the basis for the unwillingness or  
548 inability of the parent to become a party to a case plan. The  
549 court and the citizen review panel shall determine if the  
550 efforts of the social service agency to secure party  
551 participation in a case plan were sufficient.

552 12. For a child who has reached 13 years of age but is not  
553 yet 18 years of age, the adequacy of the child's preparation for  
554 adulthood and independent living. For a child who is 15 years of  
555 age or older, the court shall determine if appropriate steps are  
556 being taken for the child to obtain a driver license or  
557 learner's driver license.

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

560 14. If the parents and caregivers have developed a  
561 productive relationship that includes meaningful communication



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562 and mutual support.

563       Section 7. Section 63.090, F.S., is created to read:

564       63.090 Adoption of a child from the child welfare system.—

565 The adoption of a child from Florida's foster care system is a  
566 process that typically includes an orientation session, an in-  
567 depth training program to help prospective parents determine if  
568 adoption is right for the family, a home study and a background  
569 check. Once the process has been completed, prospective parents  
570 are ready to be matched with a child available for adoption.

571       (1) The prospective adoptive parents' initial inquiry to  
572 the department or to the community-based care lead agency or  
573 subcontractor staff, whether written or verbal, shall receive a  
574 written response or a telephone call within 7 business days.  
575 Prospective adoptive parents who indicate an interest in  
576 adopting children in the custody of the department must be  
577 referred to a department approved adoptive parent training  
578 program as prescribed in rule.

579       (2) An application to adopt must be made on the "Adoptive  
580 Home Application."

581       (3) An adoptive home study which includes observation,  
582 screening and evaluation of the child and adoptive applicants  
583 shall be completed by a staff person with the community-based  
584 care lead agency, subcontractor agency, or other licensed child-  
585 placing agency prior to the adoptive placement of the child. The  
586 aim of this evaluation is to select families who will be able to  
587 meet the physical, emotional, social, educational and financial  
588 needs of a child, while safeguarding the child from further loss  
589 and separation from siblings and significant adults. The  
590 adoptive home study is valid for 12 months from the approval



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591 date.

592 (4) In addition to other required documentation, an  
593 adoptive parent application file shall include the adoptive home  
594 study and verification that all background screening  
595 requirements have been met.

596 (5) The department approved adoptive parent training must  
597 be provided to and successfully completed by all prospective  
598 adoptive parents except licensed foster parents and relative and  
599 non-relative caregivers who previously attended the training  
600 within the last 5 years, as prescribed in rule or have the child  
601 currently placed in their home for 6 months or longer and been  
602 determined to understand the challenges and parenting skills  
603 needed to successfully parent the children available for  
604 adoption from foster care.

605 (6) At the conclusion of the preparation and study process,  
606 the counselor and supervisor will make a decision about the  
607 family's appropriateness to adopt. The decision to approve or  
608 not to approve will be reflected in the final recommendation  
609 included in the home study. If the recommendation is for  
610 approval, the adoptive parent application file will be submitted  
611 to the community-based lead agency or subcontractor agency for  
612 approval which must be made within 14 business days.

613 Section 8. Subsection (3) of section 63.092, Florida  
614 Statutes, is amended to read:

615 63.092 Report to the court of intended placement by an  
616 adoption entity; at-risk placement; preliminary study.—

617 (3) PRELIMINARY HOME STUDY.—Before placing the minor in the  
618 intended adoptive home, a preliminary home study must be  
619 performed by a licensed child-placing agency, a child-caring



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620 agency registered under s. 409.176, a licensed professional, or  
621 an agency described in s. 61.20(2), unless the adoptee is an  
622 adult or the petitioner is a stepparent or a relative. If the  
623 adoptee is an adult or the petitioner is a stepparent or a  
624 relative, a preliminary home study may be required by the court  
625 for good cause shown. The department is required to perform the  
626 preliminary home study only if there is no licensed child-  
627 placing agency, child-caring agency registered under s. 409.176,  
628 licensed professional, or agency described in s. 61.20(2), in  
629 the county where the prospective adoptive parents reside. The  
630 preliminary home study must be made to determine the suitability  
631 of the intended adoptive parents and may be completed prior to  
632 identification of a prospective adoptive minor. Preliminary home  
633 studies initiated for identified prospective adoptive minors  
634 that are in the custody of the department must be completed  
635 within 30 days of initiation. A favorable preliminary home study  
636 is valid for 1 year after the date of its completion. Upon its  
637 completion, a signed copy of the home study must be provided to  
638 the intended adoptive parents who were the subject of the home  
639 study. A minor may not be placed in an intended adoptive home  
640 before a favorable preliminary home study is completed unless  
641 the adoptive home is also a licensed foster home under s.  
642 409.175. The preliminary home study must include, at a minimum:  
643       (a) An interview with the intended adoptive parents;  
644       (b) Records checks of the department's central abuse  
645 registry, which the department shall provide to the entity  
646 conducting the preliminary home study, and criminal records  
647 correspondence checks under s. 39.0138 through the Department of  
648 Law Enforcement on the intended adoptive parents;



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649 (c) An assessment of the physical environment of the home;

650 (d) A determination of the financial security of the  
651 intended adoptive parents;

652 (e) Documentation of counseling and education of the  
653 intended adoptive parents on adoptive parenting, as determined  
654 by the entity conducting the preliminary home study. The  
655 training specified in s. 409.175(14) shall only be required for  
656 persons who adopt children from the department;

657 (f) Documentation that information on adoption and the  
658 adoption process has been provided to the intended adoptive  
659 parents;

660 (g) Documentation that information on support services  
661 available in the community has been provided to the intended  
662 adoptive parents; and

663 (h) A copy of each signed acknowledgment of receipt of  
664 disclosure required by s. 63.085.

665

666 If the preliminary home study is favorable, a minor may be  
667 placed in the home pending entry of the judgment of adoption. A  
668 minor may not be placed in the home if the preliminary home  
669 study is unfavorable. If the preliminary home study is  
670 unfavorable, the adoption entity may, within 20 days after  
671 receipt of a copy of the written recommendation, petition the  
672 court to determine the suitability of the intended adoptive  
673 home. A determination as to suitability under this subsection  
674 does not act as a presumption of suitability at the final  
675 hearing. In determining the suitability of the intended adoptive  
676 home, the court must consider the totality of the circumstances  
677 in the home. A minor may not be placed in a home in which there





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678 resides any person determined by the court to be a sexual  
679 predator as defined in s. 775.21 or to have been convicted of an  
680 offense listed in s. 63.089(4)(b)2.

681 Section 9. Section 409.1415, Florida Statutes, is created  
682 to read:

683 409.1415 Parenting partnerships for children in out-of-home  
684 care.-

685 (1) LEGISLATIVE FINDINGS AND INTENT.-

686 (a) The Legislature finds that reunification is the most  
687 common outcome for children in out-of-home care and that foster  
688 parents are one of the most important resources to help children  
689 reunify with their families.

690 (b) The Legislature further finds that the most successful  
691 foster parents understand that their role goes beyond supporting  
692 the children in their care to supporting the children's  
693 families, as a whole, and that children and their families  
694 benefit when foster and birth parents are supported by an agency  
695 culture that encourages a meaningful partnership between them  
696 and provides quality support.

697 (c) Therefore, in keeping with national trends, it is the  
698 intent of the Legislature to bring birth parents and foster  
699 parents together in order to build strong relationships that  
700 lead to more successful reunifications and more stability for  
701 children being fostered in out-of-home care.

702 (2) PARENTING PARTNERSHIPS.-

703 (a) General provisions.-In order to ensure that children in  
704 out-of-home care achieve legal permanency as soon as possible,  
705 to reduce the likelihood that they will re-enter care or that  
706 other children in the family are abused or neglected or enter



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707 out-of-home care, and to ensure that families are fully prepared  
708 to resume custody of their children, the department and  
709 community-based care lead agencies shall develop and support  
710 relationships between foster families and the legal parents of  
711 children in out-of-home care to the extent that it is safe and  
712 in the child's best interest, by:

713 1. Facilitating telephone communication between the foster  
714 parent and the birth or legal parent as soon as possible after  
715 the child is placed in the home.

716 2. Facilitating and attending an in-person meeting between  
717 the foster parent and the birth or legal parent within 2 weeks  
718 after placement.

719 3. Developing and supporting a plan for birth or legal  
720 parents to participate in medical appointments, educational and  
721 extra-curricular activities, and other events involving the  
722 child.

723 4. Facilitating participation by the foster parent in  
724 visitation between the birth parent and child.

725 5. Involving the foster parent in planning meetings with  
726 the birth parent.

727 6. Developing and implementing effective transition plans  
728 for the child's return home or placement in any other living  
729 environment.

730 7. Supporting continued contact between the foster family  
731 and the child after the child returns home or moves to another  
732 permanent living arrangement.

733 8. Supporting continued connection with the birth parent  
734 after adoption.

735 (b) Responsibilities.-To ensure that a child in out-of-home



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736 care receives support for healthy development which gives him or  
737 her the best possible opportunity for success, foster parents,  
738 birth parents, the department, community-based care lead agency  
739 staff, and other agency staff, as applicable, shall work  
740 cooperatively in a respectful partnership by adhering to the  
741 following requirements:

742 1. All members of the partnership must interact and  
743 communicate professionally with one another, must share all  
744 relevant information promptly, and must respect the  
745 confidentiality of all information related to a child and his or  
746 her family.

747 2. Caregivers, the family, the department, community-based  
748 care lead agency staff, and other agency staff must participate  
749 in developing a case plan for the child and family, and all  
750 members of the team must work together to implement the plan.  
751 Caregivers must participate in all team meetings or court  
752 hearings related to the child's care and future plans. The  
753 department, community-based care lead agency staff, and other  
754 agency staff must support and facilitate caregiver participation  
755 through timely notification of such meetings and hearings and an  
756 inclusive process, and by providing alternative methods for  
757 participation for caregivers who cannot be physically present at  
758 a meeting or hearing.

759 3. Excellent parenting is a reasonable expectation of  
760 caregivers. Caregivers must provide, and the department,  
761 community-based care lead agency staff, and other agency staff  
762 must support, excellent parenting. "Excellent parenting" means a  
763 loving commitment to the child and the child's safety and well-  
764 being; appropriate supervision and positive methods of



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765 discipline; encouragement of the child's strengths; respect for  
766 the child's individuality and likes and dislikes; providing  
767 opportunities to develop the child's interests and skills; being  
768 aware of the impact of trauma on behavior; facilitating equal  
769 participation of the child in family life; involving the child  
770 within his or her community; and a commitment to enable the  
771 child to lead a normal life.

772 4. Children in out-of-home care may be placed only with a  
773 caregiver who has the ability to care for the child, is willing  
774 to accept responsibility for providing care, and is willing and  
775 able to learn about and be respectful of the child's culture,  
776 religion, and ethnicity; special physical or psychological  
777 needs; any circumstances unique to the child; and family  
778 relationships. The department, the community-based care lead  
779 agency, and other agencies must provide a caregiver with all  
780 available information necessary to assist the caregiver in  
781 determining whether he or she is able to appropriately care for  
782 a particular child.

783 5. A caregiver must have access to and take advantage of  
784 all training that he or she needs to improve his or her skills  
785 in parenting a child who has experienced trauma due to neglect,  
786 abuse, or separation from home; to meet the child's special  
787 needs; and to work effectively with child welfare agencies, the  
788 courts, the schools, and other community and governmental  
789 agencies.

790 6. The department, community-based care lead agency staff,  
791 and other agency staff must provide caregivers with the services  
792 and support they need to enable them to provide quality care for  
793 the child.



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794       7. Once a family accepts the responsibility of caring for a  
795 child, the child may be removed from that family only if the  
796 family is clearly unable to care for him or her safely or  
797 legally, when the child and his or her biological family are  
798 reunified, when the child is being placed in a legally permanent  
799 home in accordance with a case plan or court order, or when the  
800 removal is demonstrably in the best interests of the child.

801       8. If a child must leave the caregiver's home for one of  
802 the reasons stated in subparagraph 7., and in the absence of an  
803 unforeseeable emergency, the transition must be accomplished  
804 according to a plan that involves cooperation and sharing of  
805 information among all persons involved, respects the child's  
806 developmental stage and psychological needs, ensures the child  
807 has all of his or her belongings, allows for a gradual  
808 transition from the caregiver's home, and, if possible, allows  
809 for continued contact with the caregiver after the child leaves.

810       9. When the plan for a child includes reunification,  
811 caregivers and agency staff must work together to assist the  
812 biological parents in improving their ability to care for and  
813 protect their children and to provide continuity for the child.

814       10. A caregiver must respect and support the child's ties  
815 to his or her biological family including parents, siblings, and  
816 extended family members and must assist the child in visitation  
817 and other forms of communication. The department, community-  
818 based care lead agency staff, and other agency staff must  
819 provide caregivers with the information, guidance, training, and  
820 support necessary for fulfilling this responsibility.

821       11. A caregiver must work in partnership with the  
822 department, community-based care lead agency staff, and other



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823 agency staff to obtain and maintain records that are important  
824 to the child's well-being including, but not limited to, child  
825 resource records, medical records, school records, photographs,  
826 and records of special events and achievements.

827 12. A caregiver must effectively advocate for a child in  
828 his or her care with the child welfare system, the court, and  
829 community agencies, including schools, child care providers,  
830 health and mental health providers, and employers. The  
831 department, community-based care lead agency staff, and other  
832 agency staff must support a caregiver in effectively advocating  
833 for a child and may not retaliate against the caregiver as a  
834 result of this advocacy.

835 13. A caregiver must be as fully involved in the child's  
836 medical, psychological, and dental care as he or she would be  
837 for his or her biological child. Agency staff must support and  
838 facilitate such participation. Caregivers, the department,  
839 community-based care lead agency staff, and other agency staff  
840 must share information with each other about the child's health  
841 and well-being.

842 14. A caregiver must support a child's school success,  
843 including, when possible, maintaining school stability by  
844 participating in school activities and meetings, including  
845 individual education plan meetings; assisting with school  
846 assignments; supporting tutoring programs; meeting with teachers  
847 and working with an educational surrogate, if one has been  
848 appointed; and encouraging the child's participation in  
849 extracurricular activities. Agency staff must facilitate this  
850 participation and must be kept informed of the child's progress  
851 and needs.



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852           15. Caseworkers and caseworker supervisors must mediate  
853 disagreements that occur between foster parents and birth  
854 parents.

855           (c) Residential group homes.—All caregivers employed by  
856 residential group homes must meet the same education, training,  
857 and background and other screening requirements as foster  
858 parents and must adhere to the requirements in paragraph (b).

859           (3) RULEMAKING.—The department shall adopt by rule  
860 procedures to administer this section.

861           Section 10. Section 409.145, Florida Statutes, is amended  
862 to read:

863           409.145 Care of children; ~~quality parenting~~; “reasonable  
864 and prudent parent” standard.—The child welfare system of the  
865 department shall operate as a coordinated community-based system  
866 of care which empowers all caregivers for children in foster  
867 care to provide quality parenting, including approving or  
868 disapproving a child’s participation in activities based on the  
869 caregiver’s assessment using the “reasonable and prudent parent”  
870 standard.

871           (1) SYSTEM OF CARE.—The department shall develop,  
872 implement, and administer a coordinated community-based system  
873 of care for children who are found to be dependent and their  
874 families. This system of care must be directed toward the  
875 following goals:

876           (a) Prevention of separation of children from their  
877 families.

878           (b) Intervention to allow children to remain safely in  
879 their own homes.

880           (c) Reunification of families who have had children removed



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881 from their care.

882 (d) Safety for children who are separated from their  
883 families by providing alternative emergency or longer-term  
884 parenting arrangements.

885 (e) Focus on the well-being of children through emphasis on  
886 maintaining educational stability and providing timely health  
887 care.

888 (f) Permanency for children for whom reunification with  
889 their families is not possible or is not in the best interest of  
890 the child.

891 (g) The transition to independence and self-sufficiency for  
892 older children who remain in foster care through adolescence.

893 ~~(2) QUALITY PARENTING. A child in foster care shall be~~  
894 ~~placed only with a caregiver who has the ability to care for the~~  
895 ~~child, is willing to accept responsibility for providing care,~~  
896 ~~and is willing and able to learn about and be respectful of the~~  
897 ~~child's culture, religion and ethnicity, special physical or~~  
898 ~~psychological needs, any circumstances unique to the child, and~~  
899 ~~family relationships. The department, the community-based care~~  
900 ~~lead agency, and other agencies shall provide such caregiver~~  
901 ~~with all available information necessary to assist the caregiver~~  
902 ~~in determining whether he or she is able to appropriately care~~  
903 ~~for a particular child.~~

904 ~~(a) Roles and responsibilities of caregivers. A caregiver~~  
905 ~~shall:~~

906 ~~1. Participate in developing the case plan for the child~~  
907 ~~and his or her family and work with others involved in his or~~  
908 ~~her care to implement this plan. This participation includes the~~  
909 ~~caregiver's involvement in all team meetings or court hearings~~





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910 ~~related to the child's care.~~

911 ~~2. Complete all training needed to improve skills in~~  
912 ~~parenting a child who has experienced trauma due to neglect,~~  
913 ~~abuse, or separation from home, to meet the child's special~~  
914 ~~needs, and to work effectively with child welfare agencies, the~~  
915 ~~court, the schools, and other community and governmental~~  
916 ~~agencies.~~

917 ~~3. Respect and support the child's ties to members of his~~  
918 ~~or her biological family and assist the child in maintaining~~  
919 ~~allowable visitation and other forms of communication.~~

920 ~~4. Effectively advocate for the child in the caregiver's~~  
921 ~~care with the child welfare system, the court, and community~~  
922 ~~agencies, including the school, child care, health and mental~~  
923 ~~health providers, and employers.~~

924 ~~5. Participate fully in the child's medical, psychological,~~  
925 ~~and dental care as the caregiver would for his or her biological~~  
926 ~~child.~~

927 ~~6. Support the child's educational success by participating~~  
928 ~~in activities and meetings associated with the child's school or~~  
929 ~~other educational setting, including Individual Education Plan~~  
930 ~~meetings and meetings with an educational surrogate if one has~~  
931 ~~been appointed, assisting with assignments, supporting tutoring~~  
932 ~~programs, and encouraging the child's participation in~~  
933 ~~extracurricular activities.~~

934 ~~a. Maintaining educational stability for a child while in~~  
935 ~~out-of-home care by allowing the child to remain in the school~~  
936 ~~or educational setting that he or she attended before entry into~~  
937 ~~out-of-home care is the first priority, unless not in the best~~  
938 ~~interest of the child.~~



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939           ~~b. If it is not in the best interest of the child to remain~~  
940 ~~in his or her school or educational setting upon entry into out-~~  
941 ~~of-home care, the caregiver must work with the case manager,~~  
942 ~~guardian ad litem, teachers and guidance counselors, and~~  
943 ~~educational surrogate if one has been appointed to determine the~~  
944 ~~best educational setting for the child. Such setting may include~~  
945 ~~a public school that is not the school of origin, a private~~  
946 ~~school pursuant to s. 1002.42, a virtual instruction program~~  
947 ~~pursuant to s. 1002.45, or a home education program pursuant to~~  
948 ~~s. 1002.41.~~

949           ~~7. Work in partnership with other stakeholders to obtain~~  
950 ~~and maintain records that are important to the child's well-~~  
951 ~~being, including child resource records, medical records, school~~  
952 ~~records, photographs, and records of special events and~~  
953 ~~achievements.~~

954           ~~8. Ensure that the child in the caregiver's care who is~~  
955 ~~between 13 and 17 years of age learns and masters independent~~  
956 ~~living skills.~~

957           ~~9. Ensure that the child in the caregiver's care is aware~~  
958 ~~of the requirements and benefits of the Road-to-Independence~~  
959 ~~Program.~~

960           ~~10. Work to enable the child in the caregiver's care to~~  
961 ~~establish and maintain naturally occurring mentoring~~  
962 ~~relationships.~~

963           ~~(b) Roles and responsibilities of the department, the~~  
964 ~~community-based care lead agency, and other agency staff. The~~  
965 ~~department, the community-based care lead agency, and other~~  
966 ~~agency staff shall:~~

967           ~~1. Include a caregiver in the development and~~



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968 ~~implementation of the case plan for the child and his or her~~  
969 ~~family. The caregiver shall be authorized to participate in all~~  
970 ~~team meetings or court hearings related to the child's care and~~  
971 ~~future plans. The caregiver's participation shall be facilitated~~  
972 ~~through timely notification, an inclusive process, and~~  
973 ~~alternative methods for participation for a caregiver who cannot~~  
974 ~~be physically present.~~

975 ~~2. Develop and make available to the caregiver the~~  
976 ~~information, services, training, and support that the caregiver~~  
977 ~~needs to improve his or her skills in parenting children who~~  
978 ~~have experienced trauma due to neglect, abuse, or separation~~  
979 ~~from home, to meet these children's special needs, and to~~  
980 ~~advocate effectively with child welfare agencies, the courts,~~  
981 ~~schools, and other community and governmental agencies.~~

982 ~~3. Provide the caregiver with all information related to~~  
983 ~~services and other benefits that are available to the child.~~

984 ~~4. Show no prejudice against a caregiver who desires to~~  
985 ~~educate at home a child placed in his or her home through the~~  
986 ~~child welfare system.~~

987 ~~(c) Transitions.—~~

988 ~~1. Once a caregiver accepts the responsibility of caring~~  
989 ~~for a child, the child will be removed from the home of that~~  
990 ~~caregiver only if:~~

991 ~~a. The caregiver is clearly unable to safely or legally~~  
992 ~~care for the child;~~

993 ~~b. The child and his or her biological family are~~  
994 ~~reunified;~~

995 ~~e. The child is being placed in a legally permanent home~~  
996 ~~pursuant to the case plan or a court order; or~~



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997 ~~d. The removal is demonstrably in the child's best~~  
998 ~~interest.~~

999 ~~2. In the absence of an emergency, if a child leaves the~~  
1000 ~~caregiver's home for a reason provided under subparagraph 1.,~~  
1001 ~~the transition must be accomplished according to a plan that~~  
1002 ~~involves cooperation and sharing of information among all~~  
1003 ~~persons involved, respects the child's developmental stage and~~  
1004 ~~psychological needs, ensures the child has all of his or her~~  
1005 ~~belongings, allows for a gradual transition from the caregiver's~~  
1006 ~~home and, if possible, for continued contact with the caregiver~~  
1007 ~~after the child leaves.~~

1008 ~~(d) Information sharing. Whenever a foster home or~~  
1009 ~~residential group home assumes responsibility for the care of a~~  
1010 ~~child, the department and any additional providers shall make~~  
1011 ~~available to the caregiver as soon as is practicable all~~  
1012 ~~relevant information concerning the child. Records and~~  
1013 ~~information that are required to be shared with caregivers~~  
1014 ~~include, but are not limited to:~~

1015 ~~1. Medical, dental, psychological, psychiatric, and~~  
1016 ~~behavioral history, as well as ongoing evaluation or treatment~~  
1017 ~~needs;~~

1018 ~~2. School records;~~

1019 ~~3. Copies of his or her birth certificate and, if~~  
1020 ~~appropriate, immigration status documents;~~

1021 ~~4. Consents signed by parents;~~

1022 ~~5. Comprehensive behavioral assessments and other social~~  
1023 ~~assessments;~~

1024 ~~6. Court orders;~~

1025 ~~7. Visitation and case plans;~~



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1026           ~~8. Guardian ad litem reports;~~  
1027           ~~9. Staffing forms; and~~  
1028           ~~10. Judicial or citizen review panel reports and~~  
1029 ~~attachments filed with the court, except confidential medical,~~  
1030 ~~psychiatric, and psychological information regarding any party~~  
1031 ~~or participant other than the child.~~

1032           ~~(c) Caregivers employed by residential group homes. All~~  
1033 ~~caregivers in residential group homes shall meet the same~~  
1034 ~~education, training, and background and other screening~~  
1035 ~~requirements as foster parents.~~

1036           ~~(2)(3) REASONABLE AND PRUDENT PARENT STANDARD.-~~

1037           ~~(a) Definitions.-As used in this subsection, the term:~~

1038           ~~1. "Age-appropriate" means an activity or item that is~~  
1039 ~~generally accepted as suitable for a child of the same~~  
1040 ~~chronological age or level of maturity. Age appropriateness is~~  
1041 ~~based on the development of cognitive, emotional, physical, and~~  
1042 ~~behavioral capacity which is typical for an age or age group.~~

1043           ~~2. "Caregiver" means a person with whom the child is placed~~  
1044 ~~in out-of-home care, or a designated official for a group care~~  
1045 ~~facility licensed by the department under s. 409.175.~~

1046           ~~3. "Reasonable and prudent parent" standard means the~~  
1047 ~~standard of care used by a caregiver in determining whether to~~  
1048 ~~allow a child in his or her care to participate in~~  
1049 ~~extracurricular, enrichment, and social activities. This~~  
1050 ~~standard is characterized by careful and thoughtful parental~~  
1051 ~~decisionmaking that is intended to maintain a child's health,~~  
1052 ~~safety, and best interest while encouraging the child's~~  
1053 ~~emotional and developmental growth.~~

1054           ~~(b) Application of standard of care.-~~



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1055           1. Every child who comes into out-of-home care pursuant to  
1056 this chapter is entitled to participate in age-appropriate  
1057 extracurricular, enrichment, and social activities.

1058           2. Each caregiver shall use the reasonable and prudent  
1059 parent standard in determining whether to give permission for a  
1060 child living in out-of-home care to participate in  
1061 extracurricular, enrichment, or social activities. When using  
1062 the reasonable and prudent parent standard, the caregiver must  
1063 consider:

1064           a. The child's age, maturity, and developmental level to  
1065 maintain the overall health and safety of the child.

1066           b. The potential risk factors and the appropriateness of  
1067 the extracurricular, enrichment, or social activity.

1068           c. The best interest of the child, based on information  
1069 known by the caregiver.

1070           d. The importance of encouraging the child's emotional and  
1071 developmental growth.

1072           e. The importance of providing the child with the most  
1073 family-like living experience possible.

1074           f. The behavioral history of the child and the child's  
1075 ability to safely participate in the proposed activity.

1076           (c) *Verification of services delivered.*—The department and  
1077 each community-based care lead agency shall verify that private  
1078 agencies providing out-of-home care services to dependent  
1079 children have policies in place which are consistent with this  
1080 section and that these agencies promote and protect the ability  
1081 of dependent children to participate in age-appropriate  
1082 extracurricular, enrichment, and social activities.

1083           (d) *Limitation of liability.*—A caregiver is not liable for



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1084 harm caused to a child who participates in an activity approved  
1085 by the caregiver, provided that the caregiver has acted in  
1086 accordance with the reasonable and prudent parent standard. This  
1087 paragraph may not be interpreted as removing or limiting any  
1088 existing liability protection afforded by law.

1089 (3)~~(4)~~ FOSTER CARE ROOM AND BOARD RATES.—

1090 (a) Effective July 1, 2018, room and board rates shall be  
1091 paid to foster parents as follows:

Monthly Foster Care Rate

1092	0-5 Years	6-12 Years	13-21 Years
	Age	Age	Age
1093	\$457.95	\$469.68	\$549.74

1094 Section 1 Section 25.385, Florida Statutes, is amended to  
1095 read:

1096 Section 1 Section 25.385, Florida Statutes, is amended to  
1097 read:

1098 Section 1 Section 25.385, Florida Statutes, is amended to  
1099 read:

1100 Section 1 Section 25.385, Florida Statutes, is amended to  
1101 read:

1102  
1103 (b) Each January, foster parents shall receive an annual  
1104 cost of living increase. The department shall calculate the new  
1105 room and board rate increase equal to the percentage change in  
1106 the Consumer Price Index for All Urban Consumers, U.S. City  
1107 Average, All Items, not seasonally adjusted, or successor



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1108 reports, for the preceding December compared to the prior  
1109 December as initially reported by the United States Department  
1110 of Labor, Bureau of Labor Statistics. The department shall make  
1111 available the adjusted room and board rates annually.

1112 (c) Effective July 1, 2019, foster parents of level I  
1113 family foster homes, as defined in s. 409.175(5) (a) shall  
1114 receive a room and board rate of \$333.

1115 (d) Effective July 1, 2019, the foster care room and board  
1116 rate for level II family foster homes as defined in s.  
1117 409.175(5) (a) shall be the same as the new rate established for  
1118 family foster homes as of January 1, 2019.

1119 (e) Effective January 1, 2020, paragraph (b) shall only  
1120 apply to level II through level V family foster homes, as  
1121 defined in s. 409.175(5) (a).

1122 (f) The amount of the monthly foster care room and board  
1123 rate may be increased upon agreement among the department, the  
1124 community-based care lead agency, and the foster parent.

1125 (g) From July 1, 2018, through June 30, 2019, community-  
1126 based care lead agencies providing care under contract with the  
1127 department shall pay a supplemental room and board payment to  
1128 foster care parents of all family foster homes, on a per-child  
1129 basis, for providing independent life skills and normalcy  
1130 supports to children who are 13 through 17 years of age placed  
1131 in their care. The supplemental payment shall be paid monthly to  
1132 the foster care parents in addition to the current monthly room  
1133 and board rate payment. The supplemental monthly payment shall  
1134 be based on 10 percent of the monthly room and board rate for  
1135 children 13 through 21 years of age as provided under this  
1136 section and adjusted annually. Effective July 1, 2019, such





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1137 supplemental payments shall only be paid to foster parents of  
1138 level II through level V family foster homes.

1139 (4)~~(5)~~ RULEMAKING.—The department shall adopt by rule  
1140 procedures to administer this section.

1141 Section 11. Paragraph (b) of subsection (6) of section  
1142 409.175, Florida Statutes, is amended and new paragraph (d) is  
1143 added, to read:

1144 409.175 Licensure of family foster homes, residential  
1145 child-caring agencies, and child-placing agencies; public  
1146 records exemption.—

1147 (6)

1148 (b) Upon application for licensure, the department shall  
1149 conduct a licensing study based on its licensing rules; shall  
1150 inspect the home or the agency and the records, including  
1151 financial records, of the applicant or agency; and shall  
1152 interview the applicant. The department may authorize a licensed  
1153 child-placing agency to conduct the licensing study of a family  
1154 foster home to be used exclusively by that agency and to verify  
1155 to the department that the home meets the licensing requirements  
1156 established by the department. A licensing study of a family  
1157 foster home must be completed by the department or an authorized  
1158 licensed child-placing agency within 30 days of initiation. The  
1159 department shall post on its website a list of the agencies  
1160 authorized to conduct such studies.

1161 1. The complete application file shall be submitted in  
1162 accordance with the traditional or attestation model for  
1163 licensure as prescribed in rule. In addition to other required  
1164 documentation a traditional licensing application file must  
1165 include a completed licensing study and verification of



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1166 background screening requirements.

1167 2.The department regional licensing authority is  
1168 responsible for ensuring that the licensing application file is  
1169 complete and that all licensing requirements are met for the  
1170 issuance of the license. If the child-placing agency is  
1171 contracted with a community-based care lead agency, the  
1172 licensing application file shall contain documentation of a  
1173 review by the community-based care lead agency and the regional  
1174 licensing authority and a recommendation for approval or denial  
1175 by the community-based care lead agency. Upon certification by a  
1176 licensed child-placing agency that a family foster home meets  
1177 the licensing requirements and upon receipt of a letter from a  
1178 community-based care lead agency in the service area where the  
1179 home will be licensed which indicates that the family foster  
1180 home meets the criteria established by the lead agency, the  
1181 department shall issue the license. A letter from the lead  
1182 agency is not required if the lead agency where the proposed  
1183 home is located is directly supervising foster homes in the same  
1184 service area.

1185 3. An application file must be approved or denied within 10  
1186 business days after receipt by the regional licensing authority.  
1187 If the application file is approved, a license shall be issued  
1188 to the applicant(s). The license shall include the name and  
1189 address of the caregiver(s), the name of the supervising agency,  
1190 the licensed capacity, and the dates for which the license is  
1191 valid. The department regional managing director or designee  
1192 within upper level management shall sign the license. Any  
1193 limitations shall be displayed on the license.

1194 4. A copy of the license shall be provided by the regional



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1195 licensing authority to the community-based care lead agency or  
1196 supervising agency. The community-based care lead agency or  
1197 supervising agency is responsible for ensuring the license is  
1198 sent to the foster parent.

1199 (d) The department must issue a determination regarding an  
1200 application for a family foster home license within 100 days of  
1201 completion of orientation as provided in s. 409.175(14) (b)1,  
1202 Florida Statutes. Licenses that require additional  
1203 certifications pursuant to 409.175(5) (a), may be given  
1204 additional time to issue a determination.

1205 Section 12. Paragraph (j) of subsection (1) of section  
1206 409.988, Florida Statutes, is amended to read:

1207 409.988 Lead agency duties; general provisions.-

1208 (1) DUTIES.-A lead agency:

1209 (j) May subcontract for the provision of services required  
1210 by the contract with the lead agency and the department;  
1211 however, the subcontracts must specify how the provider will  
1212 contribute to the lead agency meeting the performance standards  
1213 established pursuant to the child welfare results-oriented  
1214 accountability system required by s. 409.997. The lead agency  
1215 shall directly provide no more than 35 percent of all child  
1216 welfare services provided unless it can demonstrate a need,  
1217 within the lead agency's geographic service area, to exceed this  
1218 threshold. The local community alliance in the geographic  
1219 service area in which the lead agency is seeking to exceed the  
1220 threshold shall review the lead agency's justification for need  
1221 and recommend to the department whether the department should  
1222 approve or deny the lead agency's request for an exemption from  
1223 the services threshold. If there is not a community alliance



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1224 operating in the geographic service area in which the lead  
1225 agency is seeking to exceed the threshold, such review and  
1226 recommendation shall be made by representatives of local  
1227 stakeholders, including at least one representative from each of  
1228 the following:

- 1229 1. The department.
- 1230 2. The county government.
- 1231 3. The school district.
- 1232 4. The county United Way.
- 1233 5. The county sheriff's office.
- 1234 6. The circuit court corresponding to the county.
- 1235 7. The county children's board, if one exists.

1236 Section 13. Paragraph (b) of subsection (7) of section  
1237 39.302, Florida Statutes, is amended to read:

1238 39.302 Protective investigations of institutional child  
1239 abuse, abandonment, or neglect.—

1240 (7) When an investigation of institutional abuse, neglect,  
1241 or abandonment is closed and a person is not identified as a  
1242 caregiver responsible for the abuse, neglect, or abandonment  
1243 alleged in the report, the fact that the person is named in some  
1244 capacity in the report may not be used in any way to adversely  
1245 affect the interests of that person. This prohibition applies to  
1246 any use of the information in employment screening, licensing,  
1247 child placement, adoption, or any other decisions by a private  
1248 adoption agency or a state agency or its contracted providers.

1249 (b) Likewise, if a person is employed as a caregiver in a  
1250 residential group home licensed pursuant to s. 409.175 and is  
1251 named in any capacity in three or more reports within a 5-year  
1252 period, the department may review all reports for the purposes



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1253 of the employment screening required pursuant to s.  
1254 409.1415(2)(c) ~~s. 409.145(2)(e)~~.

1255 Section 14. Paragraph (d) of subsection (5) of section  
1256 39.6225, Florida Statutes, is amended to read:

1257 39.6225 Guardianship Assistance Program.—

1258 (5) A guardian with an application approved pursuant to  
1259 subsection (2) who is caring for a child placed with the  
1260 guardian by the court pursuant to this part may receive  
1261 guardianship assistance payments based on the following  
1262 criteria:

1263 (d) The department shall provide guardianship assistance  
1264 payments in the amount of \$4,000 annually, paid on a monthly  
1265 basis, or in an amount other than \$4,000 annually as determined  
1266 by the guardian and the department and memorialized in a written  
1267 agreement between the guardian and the department. The agreement  
1268 shall take into consideration the circumstances of the guardian  
1269 and the needs of the child. Changes may not be made without the  
1270 concurrence of the guardian. However, in no case shall the  
1271 amount of the monthly payment exceed the foster care maintenance  
1272 payment that would have been paid during the same period if the  
1273 child had been in licensed care at his or her designated level  
1274 of care at the rate established in s. 409.145(3) ~~s. 409.145(4)~~.

1275 Section 15. Paragraph (b) of subsection (5) of section  
1276 393.065, Florida Statutes, is amended to read:

1277 393.065 Application and eligibility determination.—

1278 (5) The agency shall assign and provide priority to clients  
1279 waiting for waiver services in the following order:

1280 (b) Category 2, which includes individuals on the waiting  
1281 list who are:



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1282 1. From the child welfare system with an open case in the  
1283 Department of Children and Families' statewide automated child  
1284 welfare information system and who are either:

1285 a. Transitioning out of the child welfare system at the  
1286 finalization of an adoption, a reunification with family  
1287 members, a permanent placement with a relative, or a  
1288 guardianship with a nonrelative; or

1289 b. At least 18 years but not yet 22 years of age and who  
1290 need both waiver services and extended foster care services; or

1291 2. At least 18 years but not yet 22 years of age and who  
1292 withdrew consent pursuant to s. 39.6251(5)(c) to remain in the  
1293 extended foster care system.

1294  
1295 For individuals who are at least 18 years but not yet 22  
1296 years of age and who are eligible under sub-subparagraph 1.b.,  
1297 the agency shall provide waiver services, including residential  
1298 habilitation, and the community-based care lead agency shall  
1299 fund room and board at the rate established in s. 409.145(3) ~~s.~~  
1300 ~~409.145(4)~~ and provide case management and related services as  
1301 defined in s. 409.986(3)(e). Individuals may receive both waiver  
1302 services and services under s. 39.6251. Services may not  
1303 duplicate services available through the Medicaid state plan.

1304 Section 16. Paragraph (b) of subsection (2) of section  
1305 409.1451, Florida Statutes, is amended to read:

1306 409.1451 The Road-to-Independence Program.—

1307 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1308 (b) The amount of the financial assistance shall be as  
1309 follows:

1310 1. For a young adult who does not remain in foster care and



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1311 is attending a postsecondary school as provided in s. 1009.533,  
1312 the amount is \$1,256 monthly.

1313 2. For a young adult who remains in foster care, is  
1314 attending a postsecondary school, as provided in s. 1009.533,  
1315 and continues to reside in a licensed foster home, the amount is  
1316 the established room and board rate for foster parents. This  
1317 takes the place of the payment provided for in s. 409.145(3) ~~s.~~  
1318 ~~409.145(4)~~.

1319 3. For a young adult who remains in foster care, but  
1320 temporarily resides away from a licensed foster home for  
1321 purposes of attending a postsecondary school as provided in s.  
1322 1009.533, the amount is \$1,256 monthly. This takes the place of  
1323 the payment provided for in s. 409.145(3) ~~s. 409.145(4)~~.

1324 4. For a young adult who remains in foster care, is  
1325 attending a postsecondary school as provided in s. 1009.533, and  
1326 continues to reside in a licensed group home, the amount is  
1327 negotiated between the community-based care lead agency and the  
1328 licensed group home provider.

1329 5. For a young adult who remains in foster care, but  
1330 temporarily resides away from a licensed group home for purposes  
1331 of attending a postsecondary school as provided in s. 1009.533,  
1332 the amount is \$1,256 monthly. This takes the place of a  
1333 negotiated room and board rate.

1334 6. A young adult is eligible to receive financial  
1335 assistance during the months when he or she is enrolled in a  
1336 postsecondary educational institution.

1337 Section 17. This act shall take effect July 1, 2020.

1338  
1339 ===== T I T L E A M E N D M E N T =====



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1340 And the title is amended as follows:

1341 Delete everything before the enacting clause  
1342 and insert:

1343 A bill to be entitled

1344 An act relating to child welfare; amending s. 25.385,  
1345 F.S.; requiring the Florida Court Educational Council  
1346 to establish certain standards for instruction of  
1347 circuit and county court judges for dependency cases;  
1348 requiring the council to provide such instruction on a  
1349 periodic and timely basis; creating s. 39.01304, F.S.;  
1350 providing legislative intent; providing a purpose;  
1351 authorizing circuit courts to create early childhood  
1352 court programs; requiring that early childhood court  
1353 programs have certain components; defining the term  
1354 "therapeutic jurisprudence"; providing requirements  
1355 and guidelines for the Office of the State Courts  
1356 Administrator when hiring community coordinators and a  
1357 statewide training specialist; requiring the  
1358 Department of Children and Families to contract with  
1359 certain university-based centers; requiring the  
1360 university-based centers to hire a clinical director;  
1361 amending s. 39.0138, F.S.; providing a limitation on  
1362 the amount of time to complete background screenings;  
1363 amending s. 39.301, F.S.; requiring the Department of  
1364 Children and Families to notify the court of certain  
1365 reports; authorizing the department to file specified  
1366 petitions under certain circumstances; amending s.  
1367 39.522, F.S.; requiring the court to consider  
1368 specified factors when making a certain determination;





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1369 authorizing the court or any party to the case to file  
1370 a petition to place a child in out-of-home care under  
1371 certain circumstances; requiring the court to consider  
1372 specified factors when determining whether the child  
1373 should be placed in out-of-home care; amending s.  
1374 39.6011, F.S.; revising and providing requirements for  
1375 case plan descriptions; amending s. 39.701, F.S.;  
1376 requiring the court to retain jurisdiction over a  
1377 child under certain circumstances; requiring specified  
1378 parties to disclose certain information to the court;  
1379 providing for certain caregiver recommendations to the  
1380 court; requiring the court and citizen review panel to  
1381 determine whether certain parties have developed a  
1382 productive relationship; creating s. 63.090, F.S.;  
1383 providing requirements for the adoption of children  
1384 from the child welfare system; amending s. 63.092,  
1385 F.S.; providing a deadline for completion of a  
1386 preliminary home study; creating s. 409.1415, F.S.;  
1387 providing legislative findings and intent; requiring  
1388 the department and community-based care lead agencies  
1389 to develop and support relationships between certain  
1390 foster families and legal parents of children;  
1391 providing responsibilities for foster parents, birth  
1392 parents, the department, community-based care lead  
1393 agency staff, and other agency staff; defining the  
1394 term "excellent parenting"; requiring caregivers  
1395 employed by residential group homes to meet specified  
1396 requirements; requiring the department to adopt rules;  
1397 amending s. 409.175, F.S.; providing specified



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1398 requirements related to the licensure of foster  
1399 parents; amending s. 409.145, F.S.; conforming  
1400 provisions to changes made by the act; amending s.  
1401 409.988, F.S.; authorizing a lead agency to provide  
1402 more than 35 percent of all child welfare services  
1403 under certain conditions; requiring a specified local  
1404 community alliance, or specified representatives in  
1405 certain circumstances, to review and recommend  
1406 approval or denial of the lead agency's request for a  
1407 specified exemption; requiring the court to evaluate  
1408 and change a child's permanency goal under certain  
1409 circumstances; amending ss. 39.301, 39.6225, 393.065,  
1410 409.1451, F.S.; conforming cross-references; providing  
1411 an effective date.