

By Senator Simpson

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1 A bill to be entitled
2 An act relating to child welfare; amending s. 25.385,
3 F.S.; deleting the definition of the term "family or
4 household member"; requiring the Florida Court
5 Educational Council to establish certain standards for
6 instruction of circuit and county court judges for
7 dependency cases; requiring the council to provide
8 such instruction on a periodic and timely basis;
9 creating s. 39.01304, F.S.; providing legislative
10 intent; providing a purpose; authorizing circuit
11 courts to create early childhood court programs;
12 requiring that early childhood court programs have
13 certain components; defining the term "therapeutic
14 jurisprudence"; providing requirements and guidelines
15 for the Office of the State Courts Administrator when
16 hiring community coordinators and a statewide training
17 specialist; requiring the Department of Children and
18 Families to contract with certain university-based
19 centers; requiring the university-based centers to
20 hire a clinical director; amending s. 39.0138, F.S.;
21 requiring that certain background screenings be
22 completed within a specified timeframe; amending s.
23 39.301, F.S.; requiring the department to notify the
24 court of certain reports; authorizing the department
25 to file specified petitions under certain
26 circumstances; amending s. 39.302, F.S.; conforming a
27 provision to changes made by the act; amending s.
28 39.522, F.S.; requiring the court to consider
29 specified factors when making a certain determination;

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30 authorizing the court to place a child in out-of-home
31 care under certain circumstances; requiring the court
32 to consider specified factors when determining whether
33 the child should be placed in out-of-home care;
34 requiring the court to evaluate and change a child's
35 permanency goal under certain conditions; amending s.
36 39.6011, F.S.; revising requirements for case plan
37 development; amending s. 39.701, F.S.; requiring the
38 court to retain jurisdiction over a child under
39 certain circumstances; requiring community-based care
40 lead agencies, rather than social service agencies, to
41 make assessments before certain hearings; revising
42 requirements for such assessments; conforming
43 provisions to changes made by the act; revising
44 determinations that courts and citizen review panels
45 are required to make in certain deliberations;
46 creating s. 409.1415, F.S.; providing legislative
47 findings and intent; requiring the department and
48 community-based care lead agencies to develop and
49 support relationships between certain foster families
50 and legal parents of children; providing
51 responsibilities for foster parents, birth parents,
52 the department, community-based care lead agency
53 staff, and other agency staff; defining the term
54 "excellent parenting"; requiring caregivers employed
55 by residential group homes to meet specified
56 requirements; requiring the department to adopt rules;
57 amending s. 409.145, F.S.; conforming provisions to
58 changes made by the act; amending s. 409.988, F.S.;

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59 authorizing a lead agency to provide more than 35
60 percent of all child welfare services under certain
61 conditions; requiring a specified local community
62 alliance, or specified representatives in certain
63 circumstances, to review and recommend approval or
64 denial of the lead agency's request for a specified
65 exemption; requiring lead agencies to conduct home
66 studies of prospective parents; requiring such home
67 studies to be completed within a specified timeframe;
68 amending s. 409.996, F.S.; requiring the department to
69 conduct background screenings of prospective adoptive
70 parents; requiring such background screenings to be
71 completed within a specified timeframe; amending ss.
72 39.6225, 393.065, 409.1451, F.S.; conforming cross-
73 references; providing an effective date.

74

75 Be It Enacted by the Legislature of the State of Florida:

76

77 Section 1. Section 25.385, Florida Statutes, is amended to
78 read:

79 25.385 Standards for instruction of circuit and county
80 court judges in handling domestic violence cases.—

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

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

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

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

90 (2) The Florida Court Educational Council shall establish
91 standards for instruction of circuit and county court judges who
92 have responsibility for dependency cases regarding the benefits
93 of a secure attachment with a primary caregiver, the importance
94 of a stable placement, and the impact of trauma on child
95 development. The council shall provide such instruction to the
96 circuit and county court judges handling dependency cases on a
97 periodic and timely basis.

98 Section 2. Section 39.01304, Florida Statutes, is created
99 to read:

100 39.01304 Early childhood court programs.—

101 (1) It is the intent of the Legislature to encourage the
102 department, the Department of Health, the Association of Early
103 Learning Coalitions, and other such agencies; local governments;
104 interested public or private entities; and individuals to
105 support the creation and establishment of early childhood court
106 programs. The purpose of an early childhood court program is to
107 address the root cause of court involvement through specialized
108 dockets, multidisciplinary teams, evidence-based treatment, and
109 the use of a nonadversarial approach. Such programs depend on
110 the leadership of a judge or magistrate who is educated about
111 the science of early childhood development and who requires
112 rigorous efforts to heal children physically and emotionally in
113 the context of a broad collaboration among professionals from
114 different systems working directly in the court as a team,
115 recognizing that the parent-child relationship is the foundation
116 of child well-being.

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117 (2) A circuit court may create an early childhood court
118 program to serve the needs of infants and toddlers in dependency
119 court. An early childhood court program must have all of the
120 following components:

121 (a) Therapeutic jurisprudence, which must drive every
122 aspect of judicial practice. The judge or magistrate must
123 support the therapeutic needs of the parent and child in a
124 nonadversarial manner. As used in this paragraph, the term
125 "therapeutic jurisprudence" means the study of how the law may
126 be used as a therapeutic agent and focuses on how laws impact
127 emotional and psychological well-being.

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

132 (c) A multidisciplinary team made up of key community
133 stakeholders who commit to work with the judge or magistrate to
134 restructure the way the community responds to the needs of
135 maltreated children. The team may include, but is not limited
136 to, early intervention specialists; mental health and infant
137 mental health professionals; attorneys representing children,
138 parents, and the child welfare system; children's advocates;
139 early learning coalitions and child care providers; substance
140 abuse program providers; primary health care providers; domestic
141 violence advocates; and guardians ad litem. The
142 multidisciplinary team must address the need for children in an
143 early childhood court program to receive medical care in a
144 medical home, a screening for developmental delays conducted by
145 the local agency responsible for complying with part C of the

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146 federal Individuals with Disabilities Education Act, and quality
147 child care.

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

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

153 (a) The Office of the State Courts Administrator shall
154 coordinate with each participating circuit court to create and
155 fill at least one community coordinator position for the
156 circuit's early childhood court program. Each community
157 coordinator shall provide direct support to the program by
158 providing coordination between the multidisciplinary team and
159 the judiciary, coordinating the responsibilities of the
160 participating agencies and service providers, and managing the
161 collection of data for program evaluation and accountability.
162 The Office of State Courts Administrator may hire a statewide
163 training specialist to provide training to the participating
164 court teams.

165 (b) The department shall contract with one or more
166 university-based centers that have expertise in infant mental
167 health, and such university-based centers shall hire a clinical
168 director charged with ensuring the quality, accountability, and
169 fidelity of the program's evidence-based treatment, including,
170 but not limited to, training and technical assistance related to
171 clinical services, clinical consultation and guidance for
172 difficult cases, and ongoing clinical training for court teams.

173 Section 3. Subsection (1) of section 39.0138, Florida
174 Statutes, is amended to read:

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175 39.0138 Criminal history and other records checks; limit on
176 placement of a child.—

177 (1) The department shall conduct a records check through
178 the State Automated Child Welfare Information System (SACWIS)
179 and a local and statewide criminal history records check on all
180 persons, including parents, being considered by the department
181 for placement of a child under this chapter, including all
182 nonrelative placement decisions, and all members of the
183 household, 12 years of age and older, of the person being
184 considered. For purposes of this section, a criminal history
185 records check may include, but is not limited to, submission of
186 fingerprints to the Department of Law Enforcement for processing
187 and forwarding to the Federal Bureau of Investigation for state
188 and national criminal history information, and local criminal
189 records checks through local law enforcement agencies of all
190 household members 18 years of age and older and other visitors
191 to the home. Level 1 and level 2 background screenings of
192 prospective foster parents must be completed within 14 days
193 after a completed application and finger prints are received by
194 the department. An out-of-state criminal history records check
195 must be initiated for any person 18 years of age or older who
196 resided in another state if that state allows the release of
197 such records. The department shall establish by rule standards
198 for evaluating any information contained in the automated system
199 relating to a person who must be screened for purposes of making
200 a placement decision.

201 Section 4. Subsection (1) and paragraph (a) of subsection
202 (9) of section 39.301, Florida Statutes, are amended to read:

203 39.301 Initiation of protective investigations.—

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204 (1) (a) Upon receiving a report of known or suspected child
205 abuse, abandonment, or neglect, or that a child is in need of
206 supervision and care and has no parent, legal custodian, or
207 responsible adult relative immediately known and available to
208 provide supervision and care, the central abuse hotline shall
209 determine if the report requires an immediate onsite protective
210 investigation. For reports requiring an immediate onsite
211 protective investigation, the central abuse hotline shall
212 immediately notify the department's designated district staff
213 responsible for protective investigations to ensure that an
214 onsite investigation is promptly initiated. For reports not
215 requiring an immediate onsite protective investigation, the
216 central abuse hotline shall notify the department's designated
217 district staff responsible for protective investigations in
218 sufficient time to allow for an investigation. At the time of
219 notification, the central abuse hotline shall also provide
220 information to district staff on any previous report concerning
221 a subject of the present report or any pertinent information
222 relative to the present report or any noted earlier reports.

223 (b) Upon notification by the central abuse hotline, the
224 department shall promptly notify the court of any report that
225 involves a child over whom the court has jurisdiction.

226 (9) (a) For each report received from the central abuse
227 hotline and accepted for investigation, the department or the
228 sheriff providing child protective investigative services under
229 s. 39.3065, shall perform the following child protective
230 investigation activities to determine child safety:

231 1. Conduct a review of all relevant, available information
232 specific to the child and family and alleged maltreatment;

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233 family child welfare history; local, state, and federal criminal
234 records checks; and requests for law enforcement assistance
235 provided by the abuse hotline. Based on a review of available
236 information, including the allegations in the current report, a
237 determination shall be made as to whether immediate consultation
238 should occur with law enforcement, the Child Protection Team, a
239 domestic violence shelter or advocate, or a substance abuse or
240 mental health professional. Such consultations should include
241 discussion as to whether a joint response is necessary and
242 feasible. A determination shall be made as to whether the person
243 making the report should be contacted before the face-to-face
244 interviews with the child and family members.

245 2. Conduct face-to-face interviews with the child; other
246 siblings, if any; and the parents, legal custodians, or
247 caregivers.

248 3. Assess the child's residence, including a determination
249 of the composition of the family and household, including the
250 name, address, date of birth, social security number, sex, and
251 race of each child named in the report; any siblings or other
252 children in the same household or in the care of the same
253 adults; the parents, legal custodians, or caregivers; and any
254 other adults in the same household.

255 4. Determine whether there is any indication that any child
256 in the family or household has been abused, abandoned, or
257 neglected; the nature and extent of present or prior injuries,
258 abuse, or neglect, and any evidence thereof; and a determination
259 as to the person or persons apparently responsible for the
260 abuse, abandonment, or neglect, including the name, address,
261 date of birth, social security number, sex, and race of each

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262 such person.

263 5. Complete assessment of immediate child safety for each
264 child based on available records, interviews, and observations
265 with all persons named in subparagraph 2. and appropriate
266 collateral contacts, which may include other professionals. The
267 department's child protection investigators are hereby
268 designated a criminal justice agency for the purpose of
269 accessing criminal justice information to be used for enforcing
270 this state's laws concerning the crimes of child abuse,
271 abandonment, and neglect. This information shall be used solely
272 for purposes supporting the detection, apprehension,
273 prosecution, pretrial release, posttrial release, or
274 rehabilitation of criminal offenders or persons accused of the
275 crimes of child abuse, abandonment, or neglect and may not be
276 further disseminated or used for any other purpose.

277 6. Document the present and impending dangers to each child
278 based on the identification of inadequate protective capacity
279 through utilization of a standardized safety assessment
280 instrument. If present or impending danger is identified, the
281 child protective investigator must implement a safety plan or
282 take the child into custody. If present danger is identified and
283 the child is not removed, the child protective investigator
284 shall create and implement a safety plan before leaving the home
285 or the location where there is present danger. If impending
286 danger is identified, the child protective investigator shall
287 create and implement a safety plan as soon as necessary to
288 protect the safety of the child. The child protective
289 investigator may modify the safety plan if he or she identifies
290 additional impending danger.

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291 a. If the child protective investigator implements a safety
292 plan, the plan must be specific, sufficient, feasible, and
293 sustainable in response to the realities of the present or
294 impending danger. A safety plan may be an in-home plan or an
295 out-of-home plan, or a combination of both. A safety plan may
296 include tasks or responsibilities for a parent, caregiver, or
297 legal custodian. However, a safety plan may not rely on
298 promissory commitments by the parent, caregiver, or legal
299 custodian who is currently not able to protect the child or on
300 services that are not available or will not result in the safety
301 of the child. A safety plan may not be implemented if for any
302 reason the parents, guardian, or legal custodian lacks the
303 capacity or ability to comply with the plan. If the department
304 is not able to develop a plan that is specific, sufficient,
305 feasible, and sustainable, the department shall file a shelter
306 petition. A child protective investigator shall implement
307 separate safety plans for the perpetrator of domestic violence,
308 if the investigator, using reasonable efforts, can locate the
309 perpetrator to implement a safety plan, and for the parent who
310 is a victim of domestic violence as defined in s. 741.28.
311 Reasonable efforts to locate a perpetrator include, but are not
312 limited to, a diligent search pursuant to the same requirements
313 as in s. 39.503. If the perpetrator of domestic violence is not
314 the parent, guardian, or legal custodian of any child in the
315 home and if the department does not intend to file a shelter
316 petition or dependency petition that will assert allegations
317 against the perpetrator as a parent of a child in the home, the
318 child protective investigator shall seek issuance of an
319 injunction authorized by s. 39.504 to implement a safety plan

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320 for the perpetrator and impose any other conditions to protect
321 the child. The safety plan for the parent who is a victim of
322 domestic violence may not be shared with the perpetrator. If any
323 party to a safety plan fails to comply with the safety plan
324 resulting in the child being unsafe, the department shall file a
325 shelter petition.

326 b. The child protective investigator shall collaborate with
327 the community-based care lead agency in the development of the
328 safety plan as necessary to ensure that the safety plan is
329 specific, sufficient, feasible, and sustainable. The child
330 protective investigator shall identify services necessary for
331 the successful implementation of the safety plan. The child
332 protective investigator and the community-based care lead agency
333 shall mobilize service resources to assist all parties in
334 complying with the safety plan. The community-based care lead
335 agency shall prioritize safety plan services to families who
336 have multiple risk factors, including, but not limited to, two
337 or more of the following:

338 (I) The parent or legal custodian is of young age;

339 (II) The parent or legal custodian, or an adult currently
340 living in or frequently visiting the home, has a history of
341 substance abuse, mental illness, or domestic violence;

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

345 (IV) The parent or legal custodian or an adult currently
346 living in or frequently visiting the home has been the subject
347 of multiple allegations by reputable reports of abuse or
348 neglect;

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

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

351 c. The child protective investigator shall monitor the
352 implementation of the plan to ensure the child's safety until
353 the case is transferred to the lead agency at which time the
354 lead agency shall monitor the implementation.

355 d. The department may file, within 90 days after the
356 transfer of the safety plan to the lead agency, a shelter or
357 dependency petition without the need for a new child protective
358 investigation or the concurrence of the child protective
359 investigator if the department determines that the safety plan
360 is no longer sufficient to keep the child safe or that the
361 parent or caregiver has not sufficiently increased his or her
362 level of protective capacities to ensure the child's safety.

363 Section 5. Paragraph (b) of subsection (7) of section
364 39.302, Florida Statutes, is amended to read:

365 39.302 Protective investigations of institutional child
366 abuse, abandonment, or neglect.—

367 (7) When an investigation of institutional abuse, neglect,
368 or abandonment is closed and a person is not identified as a
369 caregiver responsible for the abuse, neglect, or abandonment
370 alleged in the report, the fact that the person is named in some
371 capacity in the report may not be used in any way to adversely
372 affect the interests of that person. This prohibition applies to
373 any use of the information in employment screening, licensing,
374 child placement, adoption, or any other decisions by a private
375 adoption agency or a state agency or its contracted providers.

376 (b) Likewise, if a person is employed as a caregiver in a
377 residential group home licensed pursuant to s. 409.175 and is

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378 named in any capacity in three or more reports within a 5-year
379 period, the department may review all reports for the purposes
380 of the employment screening required pursuant to s.
381 409.1415(2)(c) ~~s. 409.145(2)(e)~~.

382 Section 6. Subsection (1) of section 39.522, Florida
383 Statutes, is amended, and subsection (4) is added to that
384 section, to read:

385 39.522 Postdisposition change of custody.—The court may
386 change the temporary legal custody or the conditions of
387 protective supervision at a postdisposition hearing, without the
388 necessity of another adjudicatory hearing.

389 (1) (a) At any time before a child is residing in the
390 permanent placement approved at the permanency hearing, a child
391 who has been placed in the child's own home under the protective
392 supervision of an authorized agent of the department, in the
393 home of a relative, in the home of a legal custodian, or in some
394 other place may be brought before the court by the department or
395 by any other interested person, upon the filing of a motion
396 alleging a need for a change in the conditions of protective
397 supervision or the placement. If the parents or other legal
398 custodians deny the need for a change, the court shall hear all
399 parties in person or by counsel, or both. Upon the admission of
400 a need for a change or after such hearing, the court shall enter
401 an order changing the placement, modifying the conditions of
402 protective supervision, or continuing the conditions of
403 protective supervision as ordered. The standard for changing
404 custody of the child shall be the best interests ~~interest~~ of the
405 child. When determining whether a change of legal custody or
406 placement is in ~~applying this standard, the court shall consider~~

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407 ~~the continuity of the child's placement in the same out-of-home~~
408 ~~residence as a factor when determining~~ the best interests of the
409 child, the court shall consider all of the following:

410 1. The child's age.

411 2. The developmental and therapeutic benefits to the child
412 of remaining in his or her current placement or moving to the
413 proposed placement.

414 3. The stability and longevity of the child's current
415 placement.

416 4. The established bonded relationship between the child
417 and the current or proposed caregiver.

418 5. The reasonable preference of the child, if the court has
419 found that the child is of sufficient intelligence,
420 understanding, and experience to express a preference.

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

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

424 8. The quality of the child's relationship with a sibling,
425 if the change of legal custody or placement will separate or
426 reunite siblings.

427 9. The likelihood of the child attaining permanency in the
428 current or proposed placement.

429 10. Any other relevant factors.

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

433 (4) (a) If a child was placed in the child's own home with
434 an in-home safety plan or was reunited with a parent with an in-
435 home safety plan, the court may remove the child and place the

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436 child in out-of-home care if:

437 1. The child is abused, neglected, or abandoned by the
438 parent or caregiver, or is suffering from or is in imminent
439 danger of illness or injury as a result of abuse, neglect, or
440 abandonment;

441 2. The parent or caregiver has materially violated a
442 condition of placement imposed by the court, including, but not
443 limited to, not complying with the in-home safety plan or case
444 plan; or

445 3. The parent or caregiver is unlikely, within a reasonable
446 amount of time, to achieve the full protective capacities needed
447 to keep the child safe without an in-home safety plan.

448 (b) If a child meets the criteria in paragraph (a) for
449 removal and placement in out-of-home care, the court must
450 consider all of the following in making its determination to
451 remove the child and place the child in out-of-home care:

452 1. The circumstances that caused the child's dependency and
453 other identified issues.

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

456 3. The parent's or caregiver's current level of protective
457 capacities.

458 4. The level of increase, if any, in the parent's or
459 caregiver's protective capacities since the child's placement in
460 the home, based on the length of time the child has been placed
461 in the home.

462 (c) The court shall evaluate the child's permanency goal
463 and change the permanency goal as needed if doing so is in the
464 best interests of the child.

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465 Section 7. Subsection (5) of section 39.6011, Florida
466 Statutes, is amended to read:

467 39.6011 Case plan development.—

468 (5) The case plan must describe:

469 (a) The role of the foster parents or legal custodians when
470 developing the services that are to be provided to the child,
471 foster parents, or legal custodians;

472 (b) The specific responsibilities of the parents and
473 caregivers to work together to successfully implement the case
474 plan. The case plan must specify how the case manager will
475 assist the parents and caregivers in developing a productive
476 relationship, including meaningful communication and mutual
477 support;

478 (c) The responsibility of the case manager to forward a
479 relative's request to receive notification of all proceedings
480 and hearings submitted pursuant to s. 39.301(14) (b) to the
481 attorney for the department;

482 ~~(d)-(e)~~ The minimum number of face-to-face meetings to be
483 held each month between the parents and the case manager
484 ~~department's family services counselors~~ to review the progress
485 of the plan, to eliminate barriers to progress, and to resolve
486 conflicts or disagreements between the parents and the
487 caregivers, service providers, or any professionals assisting
488 the parents in the completion of the plan; and

489 ~~(e)-(d)~~ The parent's responsibility for financial support of
490 the child, including, but not limited to, health insurance and
491 child support. The case plan must list the costs associated with
492 any services or treatment that the parent and child are expected
493 to receive which are the financial responsibility of the parent.

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494 The determination of child support and other financial support
 495 shall be made independently of any determination of indigency
 496 under s. 39.013.

497 Section 8. Paragraph (b) of subsection (1) and subsection
 498 (2) of section 39.701, Florida Statutes, are amended to read:
 499 39.701 Judicial review.—

500 (1) GENERAL PROVISIONS.—

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

509 2. Notwithstanding subparagraph 1., the court shall retain
 510 jurisdiction over a child if the child is placed in a home with
 511 a parent or caregiver with an in-home safety plan.

512 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
 513 AGE.—

514 (a) Case Plan Assessment ~~Social study report for judicial~~
 515 ~~review.~~—Before every judicial review hearing or citizen review
 516 panel hearing, the community-based care lead ~~social service~~
 517 agency shall assess ~~make an investigation and social study~~
 518 ~~concerning~~ all pertinent details relating to the child and shall
 519 furnish to the court or citizen review panel a written report
 520 that includes, but is not limited to:

521 1. A description of the type of placement the child is in
 522 at the time of the hearing, including the safety of the child

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523 and the continuing necessity for and appropriateness of the
524 placement.

525 2. Documentation of the diligent efforts made by all
526 parties to the case plan to comply with each applicable
527 provision of the plan.

528 3. The amount of fees assessed and collected during the
529 period of time being reported.

530 4. The services provided to the foster family or legal
531 custodian in an effort to address the needs of the child as
532 indicated in the case plan.

533 5. A statement that either:

534 a. The parent, though able to do so, did not comply
535 substantially with the case plan, and the agency
536 recommendations;

537 b. The parent did substantially comply with the case plan;
538 or

539 c. The parent has partially complied with the case plan,
540 with a summary of additional progress needed and the agency
541 recommendations.

542 6. A statement from the foster parent or legal custodian
543 providing any material evidence concerning the well-being of the
544 child, the impact of any services provided to the child, the
545 working relationship between the caregiver and the parents, and
546 the return of the child to the parent or parents.

547 7. A statement concerning the frequency, duration, and
548 results of the parent-child visitation, if any, and the agency
549 and caregiver recommendations for an expansion or restriction of
550 future visitation.

551 8. The number of times a child has been removed from his or

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552 her home and placed elsewhere, the number and types of
553 placements that have occurred, and the reason for the changes in
554 placement.

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

558 10. If the child has reached 13 years of age but is not yet
559 18 years of age, a statement from the caregiver on the progress
560 the child has made in acquiring independent living skills.

561 11. Copies of all medical, psychological, and educational
562 records that support the terms of the case plan and that have
563 been produced concerning the parents or any caregiver since the
564 last judicial review hearing.

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

567 (b) *Submission and distribution of reports.*—

568 1. A copy of the case management ~~social service~~ agency's
569 case plan assessment written report and the written report of
570 the guardian ad litem must be served on all parties whose
571 whereabouts are known; to the foster parents or legal
572 custodians; and to the citizen review panel, at least 72 hours
573 before the judicial review hearing or citizen review panel
574 hearing. The requirement for providing parents with a copy of
575 the written report does not apply to those parents who have
576 voluntarily surrendered their child for adoption or who have had
577 their parental rights to the child terminated.

578 2. In a case in which the child has been permanently placed
579 with the community-based care lead ~~social service~~ agency, the
580 agency shall furnish to the court a written report concerning

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581 the progress being made to place the child for adoption. If the
582 child cannot be placed for adoption, a report on the progress
583 made by the child towards alternative permanency goals or
584 placements, including, but not limited to, guardianship, long-
585 term custody, long-term licensed custody, or independent living,
586 must be submitted to the court. The report must be submitted to
587 the court at least 72 hours before each scheduled judicial
588 review.

589 3. In addition to or in lieu of any written statement
590 provided to the court, the foster parent or legal custodian, or
591 any preadoptive parent, shall be given the opportunity to
592 address the court with any information relevant to the best
593 interests of the child at any judicial review hearing.

594 (c) *Review determinations.*—The court and any citizen review
595 panel shall take into consideration the information contained in
596 the case plan assessment ~~social services study and investigation~~
597 and all medical, psychological, and educational records that
598 support the terms of the case plan; testimony by the community-
599 based care lead ~~social services~~ agency, the parent, the foster
600 parent or legal custodian, the guardian ad litem or surrogate
601 parent for educational decisionmaking if one has been appointed
602 for the child, and any other person deemed appropriate; and any
603 relevant and material evidence submitted to the court, including
604 written and oral reports to the extent of their probative value.
605 These reports and evidence may be received by the court in its
606 effort to determine the action to be taken with regard to the
607 child and may be relied upon to the extent of their probative
608 value, even though not competent in an adjudicatory hearing. In
609 its deliberations, the court and any citizen review panel shall

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610 seek to determine:

611 1. If the parent was advised of the right to receive
612 assistance from any person or community-based care lead ~~social~~
613 ~~service~~ agency in the preparation of the case plan.

614 2. If the parent has been advised of the right to have
615 counsel present at the judicial review or citizen review
616 hearings. If not so advised, the court or citizen review panel
617 shall advise the parent of such right.

618 3. If a guardian ad litem needs to be appointed for the
619 child in a case in which a guardian ad litem has not previously
620 been appointed or if there is a need to continue a guardian ad
621 litem in a case in which a guardian ad litem has been appointed.

622 4. Who holds the rights to make educational decisions for
623 the child. If appropriate, the court may refer the child to the
624 district school superintendent for appointment of a surrogate
625 parent or may itself appoint a surrogate parent under the
626 Individuals with Disabilities Education Act and s. 39.0016.

627 5. The compliance or lack of compliance of all parties with
628 applicable items of the case plan, including the parents'
629 compliance with child support orders.

630 6. The compliance or lack of compliance with a visitation
631 contract between the parent and the community-based care lead
632 ~~social service~~ agency for contact with the child, including the
633 frequency, duration, and results of the parent-child visitation
634 and the reason for any noncompliance.

635 7. If the parents and caregivers have developed a
636 productive relationship with one another which is based on
637 meaningful communication and mutual support.

638 8.7. The frequency, kind, and duration of contacts among

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639 siblings who have been separated during placement, as well as
640 any efforts undertaken to reunite separated siblings if doing so
641 is in the best interest of the child.

642 ~~9.8.~~ The compliance or lack of compliance of the parent in
643 meeting specified financial obligations pertaining to the care
644 of the child, including the reason for failure to comply, if
645 applicable.

646 ~~10.9.~~ Whether the child is receiving safe and proper care
647 according to s. 39.6012, including, but not limited to, the
648 appropriateness of the child's current placement, including
649 whether the child is in a setting that is as family-like and as
650 close to the parent's home as possible, consistent with the
651 child's best interests and special needs, and including
652 maintaining stability in the child's educational placement, as
653 documented by assurances from the community-based care provider
654 that:

655 a. The placement of the child takes into account the
656 appropriateness of the current educational setting and the
657 proximity to the school in which the child is enrolled at the
658 time of placement.

659 b. The community-based care agency has coordinated with
660 appropriate local educational agencies to ensure that the child
661 remains in the school in which the child is enrolled at the time
662 of placement.

663 ~~11.10.~~ A projected date likely for the child's return home
664 or other permanent placement.

665 ~~12.11.~~ When appropriate, the basis for the unwillingness or
666 inability of the parent to become a party to a case plan. The
667 court and the citizen review panel shall determine if the

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668 efforts of the community-based care lead ~~social service~~ agency
669 to secure party participation in a case plan were sufficient.

670 ~~13.12.~~ For a child who has reached 13 years of age but is
671 not yet 18 years of age, the adequacy of the child's preparation
672 for adulthood and independent living. For a child who is 15
673 years of age or older, the court shall determine if appropriate
674 steps are being taken for the child to obtain a driver license
675 or learner's driver license.

676 ~~14.13.~~ If amendments to the case plan are required.
677 Amendments to the case plan must be made under s. 39.6013.

678 (d) *Orders.*—

679 1. Based upon the criteria set forth in paragraph (c) and
680 the recommended order of the citizen review panel, if any, the
681 court shall determine whether the social service agency shall
682 initiate proceedings to have a child declared a dependent child,
683 return the child to the parent, continue the child in out-of-
684 home care for a specified period of time, or initiate
685 termination of parental rights proceedings for subsequent
686 placement in an adoptive home. Amendments to the case plan must
687 be prepared as provided in s. 39.6013. If the court finds that
688 the prevention or reunification efforts of the department will
689 allow the child to remain safely at home or be safely returned
690 to the home, the court shall allow the child to remain in or
691 return to the home after making a specific finding of fact that
692 the reasons for the creation of the case plan have been remedied
693 to the extent that the child's safety, well-being, and physical,
694 mental, and emotional health will not be endangered.

695 2. The court shall return the child to the custody of his
696 or her parents at any time it determines that the circumstances

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697 that caused the out-of-home placement, and any issues
698 subsequently identified, have been remedied to the extent that
699 returning the child to the home with an in-home safety plan
700 prepared or approved by the department will not be detrimental
701 to the child's safety, well-being, and physical, mental, and
702 emotional health.

703 3. If, in the opinion of the court, the community-based
704 care lead ~~social service~~ agency has not complied with its
705 obligations as specified in the written case plan, the court may
706 find the ~~social service~~ agency in contempt, shall order the
707 ~~social service~~ agency to submit its plans for compliance with
708 the agreement, and shall require the ~~social service~~ agency to
709 show why the child could not safely be returned to the home of
710 the parents.

711 4. If, at any judicial review, the court finds that the
712 parents have failed to substantially comply with the case plan
713 to the degree that further reunification efforts are without
714 merit and not in the best interest of the child, on its own
715 motion, the court may order the filing of a petition for
716 termination of parental rights, regardless of whether the time
717 period as contained in the case plan for substantial compliance
718 has expired.

719 5. Within 6 months after the date that the child was placed
720 in shelter care, the court shall conduct a judicial review
721 hearing to review the child's permanency goal as identified in
722 the case plan. At the hearing the court shall make findings
723 regarding the likelihood of the child's reunification with the
724 parent or legal custodian. In making such findings, the court
725 shall consider the level of the parent or legal custodian's

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726 compliance with the case plan and demonstrated change in
727 protective capacities compared to that necessary to achieve
728 timely reunification within 12 months after the removal of the
729 child from the home. The court shall also consider the
730 frequency, duration, manner, and level of engagement of the
731 parent or legal custodian's visitation with the child in
732 compliance with the case plan. If the court makes a written
733 finding that it is not likely that the child will be reunified
734 with the parent or legal custodian within 12 months after the
735 child was removed from the home, the department must file with
736 the court, and serve on all parties, a motion to amend the case
737 plan under s. 39.6013 and declare that it will use concurrent
738 planning for the case plan. The department must file the motion
739 within 10 business days after receiving the written finding of
740 the court. The department must attach the proposed amended case
741 plan to the motion. If concurrent planning is already being
742 used, the case plan must document the efforts the department is
743 taking to complete the concurrent goal.

744 6. The court may issue a protective order in assistance, or
745 as a condition, of any other order made under this part. In
746 addition to the requirements included in the case plan, the
747 protective order may set forth requirements relating to
748 reasonable conditions of behavior to be observed for a specified
749 period of time by a person or agency who is before the court;
750 and the order may require any person or agency to make periodic
751 reports to the court containing such information as the court in
752 its discretion may prescribe.

753 7. If, at any judicial review, the court determines that
754 the child shall remain in out-of-home care in a placement other

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755 than with a parent, the court shall order that the department
756 has placement and care responsibility for the child.

757 Section 9. Section 409.1415, Florida Statutes, is created
758 to read:

759 409.1415 Parenting partnerships for children in out-of-home
760 care.-

761 (1) LEGISLATIVE FINDINGS AND INTENT.-

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

766 (b) The Legislature further finds that the most successful
767 foster parents understand that their role goes beyond supporting
768 the children in their care to supporting the children's
769 families, as a whole, and that children and their families
770 benefit when foster and birth parents are supported by an agency
771 culture that encourages a meaningful partnership between them
772 and provides quality support.

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

778 (2) PARENTING PARTNERSHIPS.-

779 (a) General provisions.-In order to ensure that children in
780 out-of-home care achieve legal permanency as soon as possible,
781 to reduce the likelihood that they will re-enter care or that
782 other children in the family are abused or neglected or enter
783 out-of-home care, and to ensure that families are fully prepared

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784 to resume custody of their children, the department and
785 community-based care lead agencies shall develop and support
786 relationships between foster families and the legal parents of
787 children in out-of-home care to the extent that it is safe and
788 in the child's best interest, by:

789 1. Facilitating telephone communication between the foster
790 parent and the birth or legal parent as soon as possible after
791 the child is placed in the home.

792 2. Facilitating and attending an in-person meeting between
793 the foster parent and the birth or legal parent within 2 weeks
794 after placement.

795 3. Developing and supporting a plan for birth or legal
796 parents to participate in medical appointments, educational and
797 extra-curricular activities, and other events involving the
798 child.

799 4. Facilitating participation by the foster parent in
800 visitation between the birth parent and child.

801 5. Involving the foster parent in planning meetings with
802 the birth parent.

803 6. Developing and implementing effective transition plans
804 for the child's return home or placement in any other living
805 environment.

806 7. Supporting continued contact between the foster family
807 and the child after the child returns home or moves to another
808 permanent living arrangement.

809 8. Supporting continued connection with the birth parent
810 after adoption.

811 (b) Responsibilities.—To ensure that a child in out-of-home
812 care receives support for healthy development which gives him or

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813 her the best possible opportunity for success, foster parents,
814 birth parents, the department, community-based care lead agency
815 staff, and other agency staff, as applicable, shall work
816 cooperatively in a respectful partnership by adhering to the
817 following requirements:

818 1. All members of the partnership must interact and
819 communicate professionally with one another, must share all
820 relevant information promptly, and must respect the
821 confidentiality of all information related to a child and his or
822 her family.

823 2. Caregivers, the family, the department, community-based
824 care lead agency staff, and other agency staff must participate
825 in developing a case plan for the child and family, and all
826 members of the team must work together to implement the plan.
827 Caregivers must participate in all team meetings or court
828 hearings related to the child's care and future plans. The
829 department, community-based care lead agency staff, and other
830 agency staff must support and facilitate caregiver participation
831 through timely notification of such meetings and hearings and an
832 inclusive process, and by providing alternative methods for
833 participation for caregivers who cannot be physically present at
834 a meeting or hearing.

835 3. Excellent parenting is a reasonable expectation of
836 caregivers. Caregivers must provide, and the department,
837 community-based care lead agency staff, and other agency staff
838 must support, excellent parenting. "Excellent parenting" means a
839 loving commitment to the child and the child's safety and well-
840 being; appropriate supervision and positive methods of
841 discipline; encouragement of the child's strengths; respect for

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842 the child's individuality and likes and dislikes; providing
843 opportunities to develop the child's interests and skills; being
844 aware of the impact of trauma on behavior; facilitating equal
845 participation of the child in family life; involving the child
846 within his or her community; and a commitment to enable the
847 child to lead a normal life.

848 4. Children in out-of-home care may be placed only with a
849 caregiver who has the ability to care for the child, is willing
850 to accept responsibility for providing care, and is willing and
851 able to learn about and be respectful of the child's culture,
852 religion, and ethnicity; special physical or psychological
853 needs; any circumstances unique to the child; and family
854 relationships. The department, the community-based care lead
855 agency, and other agencies must provide a caregiver with all
856 available information necessary to assist the caregiver in
857 determining whether he or she is able to appropriately care for
858 a particular child.

859 5. A caregiver must have access to and take advantage of
860 all training that he or she needs to improve his or her skills
861 in parenting a child who has experienced trauma due to neglect,
862 abuse, or separation from home; to meet the child's special
863 needs; and to work effectively with child welfare agencies, the
864 courts, the schools, and other community and governmental
865 agencies.

866 6. The department, community-based care lead agency staff,
867 and other agency staff must provide caregivers with the services
868 and support they need to enable them to provide quality care for
869 the child.

870 7. Once a family accepts the responsibility of caring for a

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871 child, the child may be removed from that family only if the
872 family is clearly unable to care for him or her safely or
873 legally, when the child and his or her biological family are
874 reunified, when the child is being placed in a legally permanent
875 home in accordance with a case plan or court order, or when the
876 removal is demonstrably in the best interests of the child.

877 8. If a child must leave the caregiver's home for one of
878 the reasons stated in subparagraph 7., and in the absence of an
879 unforeseeable emergency, the transition must be accomplished
880 according to a plan that involves cooperation and sharing of
881 information among all persons involved, respects the child's
882 developmental stage and psychological needs, ensures the child
883 has all of his or her belongings, allows for a gradual
884 transition from the caregiver's home, and, if possible, allows
885 for continued contact with the caregiver after the child leaves.

886 9. When the plan for a child includes reunification,
887 caregivers and agency staff must work together to assist the
888 biological parents in improving their ability to care for and
889 protect their children and to provide continuity for the child.

890 10. A caregiver must respect and support the child's ties
891 to his or her biological family including parents, siblings, and
892 extended family members and must assist the child in visitation
893 and other forms of communication. The department, community-
894 based care lead agency staff, and other agency staff must
895 provide caregivers with the information, guidance, training, and
896 support necessary for fulfilling this responsibility.

897 11. A caregiver must work in partnership with the
898 department, community-based care lead agency staff, and other
899 agency staff to obtain and maintain records that are important

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900 to the child's well-being including, but not limited to, child
901 resource records, medical records, school records, photographs,
902 and records of special events and achievements.

903 12. A caregiver must effectively advocate for a child in
904 his or her care with the child welfare system, the court, and
905 community agencies, including schools, child care providers,
906 health and mental health providers, and employers. The
907 department, community-based care lead agency staff, and other
908 agency staff must support a caregiver in effectively advocating
909 for a child and may not retaliate against the caregiver as a
910 result of this advocacy.

911 13. A caregiver must be as fully involved in the child's
912 medical, psychological, and dental care as he or she would be
913 for his or her biological child. Agency staff must support and
914 facilitate such participation. Caregivers, the department,
915 community-based care lead agency staff, and other agency staff
916 must share information with each other about the child's health
917 and well-being.

918 14. A caregiver must support a child's school success,
919 including, when possible, maintaining school stability by
920 participating in school activities and meetings, including
921 individual education plan meetings; assisting with school
922 assignments; supporting tutoring programs; meeting with teachers
923 and working with an educational surrogate, if one has been
924 appointed; and encouraging the child's participation in
925 extracurricular activities. Agency staff must facilitate this
926 participation and must be kept informed of the child's progress
927 and needs.

928 15. Caseworkers and caseworker supervisors must mediate

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929 disagreements that occur between foster parents and birth
930 parents.

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

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

937 Section 10. Section 409.145, Florida Statutes, is amended
938 to read:

939 409.145 Care of children; ~~quality parenting~~; “reasonable
940 and prudent parent” standard.—The child welfare system of the
941 department shall operate as a coordinated community-based system
942 of care which empowers all caregivers for children in foster
943 care to provide quality parenting, including approving or
944 disapproving a child’s participation in activities based on the
945 caregiver’s assessment using the “reasonable and prudent parent”
946 standard.

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

952 (a) Prevention of separation of children from their
953 families.

954 (b) Intervention to allow children to remain safely in
955 their own homes.

956 (c) Reunification of families who have had children removed
957 from their care.

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958 (d) Safety for children who are separated from their
959 families by providing alternative emergency or longer-term
960 parenting arrangements.

961 (e) Focus on the well-being of children through emphasis on
962 maintaining educational stability and providing timely health
963 care.

964 (f) Permanency for children for whom reunification with
965 their families is not possible or is not in the best interest of
966 the child.

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

969 ~~(2) QUALITY PARENTING. A child in foster care shall be~~
970 ~~placed only with a caregiver who has the ability to care for the~~
971 ~~child, is willing to accept responsibility for providing care,~~
972 ~~and is willing and able to learn about and be respectful of the~~
973 ~~child's culture, religion and ethnicity, special physical or~~
974 ~~psychological needs, any circumstances unique to the child, and~~
975 ~~family relationships. The department, the community-based care~~
976 ~~lead agency, and other agencies shall provide such caregiver~~
977 ~~with all available information necessary to assist the caregiver~~
978 ~~in determining whether he or she is able to appropriately care~~
979 ~~for a particular child.~~

980 ~~(a) Roles and responsibilities of caregivers. A caregiver~~
981 ~~shall:~~

982 ~~1. Participate in developing the case plan for the child~~
983 ~~and his or her family and work with others involved in his or~~
984 ~~her care to implement this plan. This participation includes the~~
985 ~~caregiver's involvement in all team meetings or court hearings~~
986 ~~related to the child's care.~~

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987 ~~2. Complete all training needed to improve skills in~~
988 ~~parenting a child who has experienced trauma due to neglect,~~
989 ~~abuse, or separation from home, to meet the child's special~~
990 ~~needs, and to work effectively with child welfare agencies, the~~
991 ~~court, the schools, and other community and governmental~~
992 ~~agencies.~~

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

996 ~~4. Effectively advocate for the child in the caregiver's~~
997 ~~care with the child welfare system, the court, and community~~
998 ~~agencies, including the school, child care, health and mental~~
999 ~~health providers, and employers.~~

1000 ~~5. Participate fully in the child's medical, psychological,~~
1001 ~~and dental care as the caregiver would for his or her biological~~
1002 ~~child.~~

1003 ~~6. Support the child's educational success by participating~~
1004 ~~in activities and meetings associated with the child's school or~~
1005 ~~other educational setting, including Individual Education Plan~~
1006 ~~meetings and meetings with an educational surrogate if one has~~
1007 ~~been appointed, assisting with assignments, supporting tutoring~~
1008 ~~programs, and encouraging the child's participation in~~
1009 ~~extracurricular activities.~~

1010 ~~a. Maintaining educational stability for a child while in~~
1011 ~~out-of-home care by allowing the child to remain in the school~~
1012 ~~or educational setting that he or she attended before entry into~~
1013 ~~out-of-home care is the first priority, unless not in the best~~
1014 ~~interest of the child.~~

1015 ~~b. If it is not in the best interest of the child to remain~~

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1016 ~~in his or her school or educational setting upon entry into out-~~
1017 ~~of-home care, the caregiver must work with the case manager,~~
1018 ~~guardian ad litem, teachers and guidance counselors, and~~
1019 ~~educational surrogate if one has been appointed to determine the~~
1020 ~~best educational setting for the child. Such setting may include~~
1021 ~~a public school that is not the school of origin, a private~~
1022 ~~school pursuant to s. 1002.42, a virtual instruction program~~
1023 ~~pursuant to s. 1002.45, or a home education program pursuant to~~
1024 ~~s. 1002.41.~~

1025 ~~7. Work in partnership with other stakeholders to obtain~~
1026 ~~and maintain records that are important to the child's well-~~
1027 ~~being, including child resource records, medical records, school~~
1028 ~~records, photographs, and records of special events and~~
1029 ~~achievements.~~

1030 ~~8. Ensure that the child in the caregiver's care who is~~
1031 ~~between 13 and 17 years of age learns and masters independent~~
1032 ~~living skills.~~

1033 ~~9. Ensure that the child in the caregiver's care is aware~~
1034 ~~of the requirements and benefits of the Road-to-Independence~~
1035 ~~Program.~~

1036 ~~10. Work to enable the child in the caregiver's care to~~
1037 ~~establish and maintain naturally occurring mentoring~~
1038 ~~relationships.~~

1039 ~~(b) Roles and responsibilities of the department, the~~
1040 ~~community-based care lead agency, and other agency staff. The~~
1041 ~~department, the community-based care lead agency, and other~~
1042 ~~agency staff shall:~~

1043 ~~1. Include a caregiver in the development and~~
1044 ~~implementation of the case plan for the child and his or her~~

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1045 ~~family. The caregiver shall be authorized to participate in all~~
1046 ~~team meetings or court hearings related to the child's care and~~
1047 ~~future plans. The caregiver's participation shall be facilitated~~
1048 ~~through timely notification, an inclusive process, and~~
1049 ~~alternative methods for participation for a caregiver who cannot~~
1050 ~~be physically present.~~

1051 ~~2. Develop and make available to the caregiver the~~
1052 ~~information, services, training, and support that the caregiver~~
1053 ~~needs to improve his or her skills in parenting children who~~
1054 ~~have experienced trauma due to neglect, abuse, or separation~~
1055 ~~from home, to meet these children's special needs, and to~~
1056 ~~advocate effectively with child welfare agencies, the courts,~~
1057 ~~schools, and other community and governmental agencies.~~

1058 ~~3. Provide the caregiver with all information related to~~
1059 ~~services and other benefits that are available to the child.~~

1060 ~~4. Show no prejudice against a caregiver who desires to~~
1061 ~~educate at home a child placed in his or her home through the~~
1062 ~~child welfare system.~~

1063 ~~(c) Transitions.~~

1064 ~~1. Once a caregiver accepts the responsibility of caring~~
1065 ~~for a child, the child will be removed from the home of that~~
1066 ~~caregiver only if:~~

1067 ~~a. The caregiver is clearly unable to safely or legally~~
1068 ~~care for the child;~~

1069 ~~b. The child and his or her biological family are~~
1070 ~~reunified;~~

1071 ~~e. The child is being placed in a legally permanent home~~
1072 ~~pursuant to the case plan or a court order; or~~

1073 ~~d. The removal is demonstrably in the child's best~~

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1074 ~~interest.~~

1075 ~~2. In the absence of an emergency, if a child leaves the~~
1076 ~~caregiver's home for a reason provided under subparagraph 1.,~~
1077 ~~the transition must be accomplished according to a plan that~~
1078 ~~involves cooperation and sharing of information among all~~
1079 ~~persons involved, respects the child's developmental stage and~~
1080 ~~psychological needs, ensures the child has all of his or her~~
1081 ~~belongings, allows for a gradual transition from the caregiver's~~
1082 ~~home and, if possible, for continued contact with the caregiver~~
1083 ~~after the child leaves.~~

1084 ~~(d) Information sharing. Whenever a foster home or~~
1085 ~~residential group home assumes responsibility for the care of a~~
1086 ~~child, the department and any additional providers shall make~~
1087 ~~available to the caregiver as soon as is practicable all~~
1088 ~~relevant information concerning the child. Records and~~
1089 ~~information that are required to be shared with caregivers~~
1090 ~~include, but are not limited to:~~

1091 ~~1. Medical, dental, psychological, psychiatric, and~~
1092 ~~behavioral history, as well as ongoing evaluation or treatment~~
1093 ~~needs;~~

1094 ~~2. School records;~~

1095 ~~3. Copies of his or her birth certificate and, if~~
1096 ~~appropriate, immigration status documents;~~

1097 ~~4. Consents signed by parents;~~

1098 ~~5. Comprehensive behavioral assessments and other social~~
1099 ~~assessments;~~

1100 ~~6. Court orders;~~

1101 ~~7. Visitation and case plans;~~

1102 ~~8. Guardian ad litem reports;~~

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1103 ~~9. Staffing forms; and~~
 1104 ~~10. Judicial or citizen review panel reports and~~
 1105 ~~attachments filed with the court, except confidential medical,~~
 1106 ~~psychiatric, and psychological information regarding any party~~
 1107 ~~or participant other than the child.~~

1108 ~~(e) Caregivers employed by residential group homes. All~~
 1109 ~~caregivers in residential group homes shall meet the same~~
 1110 ~~education, training, and background and other screening~~
 1111 ~~requirements as foster parents.~~

1112 (2)~~(3)~~ REASONABLE AND PRUDENT PARENT STANDARD.—

1113 (a) *Definitions.*—As used in this subsection, the term:

1114 1. "Age-appropriate" means an activity or item that is
 1115 generally accepted as suitable for a child of the same
 1116 chronological age or level of maturity. Age appropriateness is
 1117 based on the development of cognitive, emotional, physical, and
 1118 behavioral capacity which is typical for an age or age group.

1119 2. "Caregiver" means a person with whom the child is placed
 1120 in out-of-home care, or a designated official for a group care
 1121 facility licensed by the department under s. 409.175.

1122 3. "Reasonable and prudent parent" standard means the
 1123 standard of care used by a caregiver in determining whether to
 1124 allow a child in his or her care to participate in
 1125 extracurricular, enrichment, and social activities. This
 1126 standard is characterized by careful and thoughtful parental
 1127 decisionmaking that is intended to maintain a child's health,
 1128 safety, and best interest while encouraging the child's
 1129 emotional and developmental growth.

1130 (b) *Application of standard of care.*—

1131 1. Every child who comes into out-of-home care pursuant to

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1132 this chapter is entitled to participate in age-appropriate
1133 extracurricular, enrichment, and social activities.

1134 2. Each caregiver shall use the reasonable and prudent
1135 parent standard in determining whether to give permission for a
1136 child living in out-of-home care to participate in
1137 extracurricular, enrichment, or social activities. When using
1138 the reasonable and prudent parent standard, the caregiver must
1139 consider:

1140 a. The child's age, maturity, and developmental level to
1141 maintain the overall health and safety of the child.

1142 b. The potential risk factors and the appropriateness of
1143 the extracurricular, enrichment, or social activity.

1144 c. The best interest of the child, based on information
1145 known by the caregiver.

1146 d. The importance of encouraging the child's emotional and
1147 developmental growth.

1148 e. The importance of providing the child with the most
1149 family-like living experience possible.

1150 f. The behavioral history of the child and the child's
1151 ability to safely participate in the proposed activity.

1152 (c) *Verification of services delivered.*—The department and
1153 each community-based care lead agency shall verify that private
1154 agencies providing out-of-home care services to dependent
1155 children have policies in place which are consistent with this
1156 section and that these agencies promote and protect the ability
1157 of dependent children to participate in age-appropriate
1158 extracurricular, enrichment, and social activities.

1159 (d) *Limitation of liability.*—A caregiver is not liable for
1160 harm caused to a child who participates in an activity approved

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1161 by the caregiver, provided that the caregiver has acted in
 1162 accordance with the reasonable and prudent parent standard. This
 1163 paragraph may not be interpreted as removing or limiting any
 1164 existing liability protection afforded by law.

1165 (3)~~(4)~~ FOSTER CARE ROOM AND BOARD RATES.—

1166 (a) Effective July 1, 2018, room and board rates shall be
 1167 paid to foster parents as follows:
 1168

Monthly Foster Care Rate

1169	0-5 Years	6-12 Years	13-21 Years
	Age	Age	Age
1170	\$457.95	\$469.68	\$549.74

1171
 1172 (b) Each January, foster parents shall receive an annual
 1173 cost of living increase. The department shall calculate the new
 1174 room and board rate increase equal to the percentage change in
 1175 the Consumer Price Index for All Urban Consumers, U.S. City
 1176 Average, All Items, not seasonally adjusted, or successor
 1177 reports, for the preceding December compared to the prior
 1178 December as initially reported by the United States Department
 1179 of Labor, Bureau of Labor Statistics. The department shall make
 1180 available the adjusted room and board rates annually.

1181 (c) Effective July 1, 2019, foster parents of level I
 1182 family foster homes, as defined in s. 409.175(5) (a) shall
 1183 receive a room and board rate of \$333.

1184 (d) Effective July 1, 2019, the foster care room and board

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1185 rate for level II family foster homes as defined in s.
1186 409.175(5) (a) shall be the same as the new rate established for
1187 family foster homes as of January 1, 2019.

1188 (e) Effective January 1, 2020, paragraph (b) shall only
1189 apply to level II through level V family foster homes, as
1190 defined in s. 409.175(5) (a).

1191 (f) The amount of the monthly foster care room and board
1192 rate may be increased upon agreement among the department, the
1193 community-based care lead agency, and the foster parent.

1194 (g) From July 1, 2018, through June 30, 2019, community-
1195 based care lead agencies providing care under contract with the
1196 department shall pay a supplemental room and board payment to
1197 foster care parents of all family foster homes, on a per-child
1198 basis, for providing independent life skills and normalcy
1199 supports to children who are 13 through 17 years of age placed
1200 in their care. The supplemental payment shall be paid monthly to
1201 the foster care parents in addition to the current monthly room
1202 and board rate payment. The supplemental monthly payment shall
1203 be based on 10 percent of the monthly room and board rate for
1204 children 13 through 21 years of age as provided under this
1205 section and adjusted annually. Effective July 1, 2019, such
1206 supplemental payments shall only be paid to foster parents of
1207 level II through level V family foster homes.

1208 (4)~~(5)~~ RULEMAKING.—The department shall adopt by rule
1209 procedures to administer this section.

1210 Section 11. Paragraph (j) of subsection (1) of section
1211 409.988, Florida Statutes, is amended, and paragraph (l) is
1212 added to that subsection, to read:

1213 409.988 Lead agency duties; general provisions.—

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1214 (1) DUTIES.—A lead agency:

1215 (j) May subcontract for the provision of services required
1216 by the contract with the lead agency and the department;

1217 however, the subcontracts must specify how the provider will
1218 contribute to the lead agency meeting the performance standards
1219 established pursuant to the child welfare results-oriented
1220 accountability system required by s. 409.997. The lead agency
1221 shall directly provide no more than 35 percent of all child
1222 welfare services provided unless it demonstrates a need, within
1223 the lead agency's geographic service area, to exceed this
1224 threshold. The local community alliance in the geographic
1225 service area in which the lead agency is seeking to exceed the
1226 threshold shall review the lead agency's justification for need
1227 and recommend to the department whether the department should
1228 approve or deny the lead agency's request for an exemption from
1229 the services threshold. If there is not a community alliance
1230 operating in a lead agency's geographic service area, such
1231 review and recommendation must be made by representatives of
1232 local stakeholders, including at least one representative from
1233 each of the following:

1234 1. The department.

1235 2. The county government.

1236 3. The school district.

1237 4. The county United Way.

1238 5. The county sheriff's office.

1239 6. The circuit court having jurisdiction in the county.

1240 7. The county children's board, if one exists.

1241 (1) Shall conduct home studies of prospective adoptive
1242 parents who wish to adopt a child after the state has terminated

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1243 parental rights. Home studies must assess the residence to
1244 ensure the safety of a newly adopted child and the financial and
1245 medical status of the prospective adoptive parents. Home studies
1246 must be completed within 2 weeks after the date on which the
1247 community-based care lead agency receives a completed
1248 application. The home study must be conducted concurrently with
1249 the required background screening of the prospective parents.

1250 Section 12. Present subsections (11) through (23) of
1251 section 409.996, Florida Statutes, are redesignated as
1252 subsections (12) through (24), respectively, a new subsection
1253 (11) is added to that section, and paragraph (a) of subsection
1254 (1) of that section is amended, to read:

1255 409.996 Duties of the Department of Children and Families.—
1256 The department shall contract for the delivery, administration,
1257 or management of care for children in the child protection and
1258 child welfare system. In doing so, the department retains
1259 responsibility for the quality of contracted services and
1260 programs and shall ensure that services are delivered in
1261 accordance with applicable federal and state statutes and
1262 regulations.

1263 (1) The department shall enter into contracts with lead
1264 agencies for the performance of the duties by the lead agencies
1265 pursuant to s. 409.988. At a minimum, the contracts must:

1266 (a) Provide for the services needed to accomplish the
1267 duties established in s. 409.988 and provide information to the
1268 department which is necessary to meet the requirements for a
1269 quality assurance program pursuant to subsection (19) ~~(18)~~ and
1270 the child welfare results-oriented accountability system
1271 pursuant to s. 409.997.

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1272 (11) The department shall conduct level 1 and level 2
1273 background screenings of prospective adoptive parents. The
1274 background screenings must be completed within 2 weeks of a
1275 completed application from the prospective adoptive parents. The
1276 department shall provide the results of the screening to the
1277 community-based care lead agency. The background screening must
1278 be conducted concurrently with the home study of the prospective
1279 parents required under s. 409.988(1)(1).

1280 Section 13. Paragraph (d) of subsection (5) of section
1281 39.6225, Florida Statutes, is amended to read:

1282 39.6225 Guardianship Assistance Program.—

1283 (5) A guardian with an application approved pursuant to
1284 subsection (2) who is caring for a child placed with the
1285 guardian by the court pursuant to this part may receive
1286 guardianship assistance payments based on the following
1287 criteria:

1288 (d) The department shall provide guardianship assistance
1289 payments in the amount of \$4,000 annually, paid on a monthly
1290 basis, or in an amount other than \$4,000 annually as determined
1291 by the guardian and the department and memorialized in a written
1292 agreement between the guardian and the department. The agreement
1293 shall take into consideration the circumstances of the guardian
1294 and the needs of the child. Changes may not be made without the
1295 concurrence of the guardian. However, in no case shall the
1296 amount of the monthly payment exceed the foster care maintenance
1297 payment that would have been paid during the same period if the
1298 child had been in licensed care at his or her designated level
1299 of care at the rate established in s. 409.145(3) ~~s. 409.145(4)~~.

1300 Section 14. Paragraph (b) of subsection (5) of section

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1301 393.065, Florida Statutes, is amended to read:

1302 393.065 Application and eligibility determination.—

1303 (5) The agency shall assign and provide priority to clients

1304 waiting for waiver services in the following order:

1305 (b) Category 2, which includes individuals on the waiting

1306 list who are:

1307 1. From the child welfare system with an open case in the

1308 Department of Children and Families' statewide automated child

1309 welfare information system and who are either:

1310 a. Transitioning out of the child welfare system at the

1311 finalization of an adoption, a reunification with family

1312 members, a permanent placement with a relative, or a

1313 guardianship with a nonrelative; or

1314 b. At least 18 years but not yet 22 years of age and who

1315 need both waiver services and extended foster care services; or

1316 2. At least 18 years but not yet 22 years of age and who

1317 withdrew consent pursuant to s. 39.6251(5)(c) to remain in the

1318 extended foster care system.

1319

1320 For individuals who are at least 18 years but not yet 22 years

1321 of age and who are eligible under sub-subparagraph 1.b., the

1322 agency shall provide waiver services, including residential

1323 habilitation, and the community-based care lead agency shall

1324 fund room and board at the rate established in s. 409.145(3) ~~s.~~

1325 ~~409.145(4)~~ and provide case management and related services as

1326 defined in s. 409.986(3)(e). Individuals may receive both waiver

1327 services and services under s. 39.6251. Services may not

1328 duplicate services available through the Medicaid state plan.

1329

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1330 Within categories 3, 4, 5, 6, and 7, the agency shall maintain a
1331 waiting list of clients placed in the order of the date that the
1332 client is determined eligible for waiver services.

1333 Section 15. Paragraph (b) of subsection (2) of section
1334 409.1451, Florida Statutes, is amended to read:

1335 409.1451 The Road-to-Independence Program.—

1336 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1337 (b) The amount of the financial assistance shall be as
1338 follows:

1339 1. For a young adult who does not remain in foster care and
1340 is attending a postsecondary school as provided in s. 1009.533,
1341 the amount is \$1,256 monthly.

1342 2. For a young adult who remains in foster care, is
1343 attending a postsecondary school, as provided in s. 1009.533,
1344 and continues to reside in a licensed foster home, the amount is
1345 the established room and board rate for foster parents. This
1346 takes the place of the payment provided for in s. 409.145(3) ~~s.~~
1347 ~~409.145(4)~~.

1348 3. For a young adult who remains in foster care, but
1349 temporarily resides away from a licensed foster home for
1350 purposes of attending a postsecondary school as provided in s.
1351 1009.533, the amount is \$1,256 monthly. This takes the place of
1352 the payment provided for in s. 409.145(3) ~~s. 409.145(4)~~.

1353 4. For a young adult who remains in foster care, is
1354 attending a postsecondary school as provided in s. 1009.533, and
1355 continues to reside in a licensed group home, the amount is
1356 negotiated between the community-based care lead agency and the
1357 licensed group home provider.

1358 5. For a young adult who remains in foster care, but

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1359 temporarily resides away from a licensed group home for purposes
1360 of attending a postsecondary school as provided in s. 1009.533,
1361 the amount is \$1,256 monthly. This takes the place of a
1362 negotiated room and board rate.

1363 6. A young adult is eligible to receive financial
1364 assistance during the months when he or she is enrolled in a
1365 postsecondary educational institution.

1366 Section 16. This act shall take effect July 1, 2020.