

By the Committees on Appropriations; and Children, Families, and Elder Affairs; and 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.; requiring the Florida Court Educational Council
4 to establish certain standards for instruction of
5 circuit and county court judges for dependency cases;
6 requiring the council to provide such instruction on a
7 periodic and timely basis; creating s. 39.01304, F.S.;
8 authorizing circuit courts to create early childhood
9 court programs; providing that early childhood court
10 programs may have certain components; requiring the
11 Office of the State Courts Administrator to contract
12 for an evaluation; requiring the Office of the State
13 Courts Administrator to provide or contract for
14 specified duties; amending s. 39.0138, F.S.; requiring
15 the department to complete background screenings
16 within a specified timeframe; providing an exception;
17 amending s. 39.301, F.S.; requiring the department to
18 notify the court of certain reports; authorizing the
19 department to file specified petitions under certain
20 circumstances; amending s. 39.522, F.S.; requiring the
21 court to consider specified factors when making a
22 certain determination; authorizing the court or any
23 party to the case to file a petition to place a child
24 in out-of-home care under certain circumstances;
25 requiring the court to consider specified factors when
26 determining whether the child should be placed in out-
27 of-home care; requiring the court to evaluate and
28 change a child's permanency goal under certain
29 circumstances; amending s. 39.6011, F.S.; revising

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30 requirements for case plan descriptions; amending s.
31 39.701, F.S.; requiring the court to retain
32 jurisdiction over a child under certain circumstances;
33 requiring specified parties to disclose certain
34 information to the court; providing for certain
35 caregiver recommendations to the court; requiring the
36 court and citizen review panel to determine whether
37 certain parties have developed a productive
38 relationship; amending s. 63.092, F.S.; providing a
39 deadline for completion of a preliminary home study;
40 creating s. 63.093, F.S.; providing requirements and
41 processes for the adoption of children from the child
42 welfare system; creating s. 409.1415, F.S.; providing
43 legislative findings and intent; requiring the
44 department and community-based care lead agencies to
45 develop and support relationships between certain
46 foster families and legal parents of children;
47 providing responsibilities for foster parents, birth
48 parents, the department, community-based care lead
49 agency staff, and other agency staff; defining the
50 term "excellent parenting"; requiring employees of
51 residential group homes to meet specified
52 requirements; requiring the department to adopt rules;
53 amending s. 409.145, F.S.; conforming provisions to
54 changes made by the act; amending s. 409.175, F.S.;
55 revising requirements for the licensure of family
56 foster homes; requiring the department to issue
57 determinations for family foster home licenses within
58 a specified timeframe; providing an exception;

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59 amending s. 409.988, F.S.; authorizing a lead agency
 60 to provide more than 35 percent of all child welfare
 61 services under certain conditions; requiring a
 62 specified local community alliance, or specified
 63 representatives in certain circumstances, to review
 64 and recommend approval or denial of the lead agency's
 65 request for a specified exemption; amending ss.
 66 39.302, 39.6225, 393.065, and 409.1451, F.S.;
 67 conforming cross-references; providing an
 68 appropriation; providing an effective date.

69

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

71

72 Section 1. Section 25.385, Florida Statutes, is amended to
 73 read:

74 25.385 Standards for instruction of circuit and county
 75 court judges ~~in handling domestic violence cases.~~

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

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

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

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

85 (2) The Florida Court Educational Council shall establish
 86 standards for instruction of circuit and county court judges who
 87 have responsibility for dependency cases regarding the benefits

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88 of a secure attachment with a primary caregiver, the importance
89 of a stable placement, and the impact of trauma on child
90 development. The council shall provide such instruction to the
91 circuit and county court judges handling dependency cases on a
92 periodic and timely basis.

93 Section 2. Section 39.01304, Florida Statutes, is created
94 to read:

95 39.01304 Early childhood court programs.-

96 (1) A circuit court may create an early childhood court
97 program to serve the needs of infants and toddlers in dependency
98 court. If a circuit court creates an early childhood court, it
99 may consider all of the following components:

100 (a) The court supporting the therapeutic needs of the
101 parent and child in a nonadversarial manner.

102 (b) A multidisciplinary team made up of key community
103 stakeholders to work with the court to restructure the way the
104 community responds to the needs of maltreated children.

105 (c) A community coordinator to facilitate services and
106 resources for families, serve as a liaison between a
107 multidisciplinary team and the judiciary, and manage data
108 collection for program evaluation and accountability. The Office
109 of the State Courts Administrator may coordinate with each
110 participating circuit court to fill a community coordinator
111 position for the circuit's early childhood court program.

112 (d) A continuum of mental health services which includes
113 those that support the parent-child relationship and are
114 appropriate for children and family served.

115 (2) The Office of the State Courts Administrator shall
116 contract for an evaluation of the early childhood programs to

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117 ensure the quality, accountability, and fidelity of the
118 programs' evidence-based treatment. The Office of the State
119 Courts Administrator may provide, or contract for the provision
120 of, training and technical assistance related to program
121 services, consultation and guidance for difficult cases, and
122 ongoing training for court teams.

123 Section 3. Subsection (1) of section 39.0138, Florida
124 Statutes, is amended to read

125 39.0138 Criminal history and other records checks; limit on
126 placement of a child.-

127 (1) The department shall conduct a records check through
128 the State Automated Child Welfare Information System (SACWIS)
129 and a local and statewide criminal history records check on all
130 persons, including parents, being considered by the department
131 for placement of a child under this chapter, including all
132 nonrelative placement decisions, and all members of the
133 household, 12 years of age and older, of the person being
134 considered. For purposes of this section, a criminal history
135 records check may include, but is not limited to, submission of
136 fingerprints to the Department of Law Enforcement for processing
137 and forwarding to the Federal Bureau of Investigation for state
138 and national criminal history information, and local criminal
139 records checks through local law enforcement agencies of all
140 household members 18 years of age and older and other visitors
141 to the home. Background screenings must be completed within 14
142 business days after the department receives the criminal history
143 results, unless additional information regarding the criminal
144 history is required to complete processing. An out-of-state
145 criminal history records check must be initiated for any person

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146 18 years of age or older who resided in another state if that
147 state allows the release of such records. The department shall
148 establish by rule standards for evaluating any information
149 contained in the automated system relating to a person who must
150 be screened for purposes of making a placement decision.

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

153 39.301 Initiation of protective investigations.—

154 (1) (a) Upon receiving a report of known or suspected child
155 abuse, abandonment, or neglect, or that a child is in need of
156 supervision and care and has no parent, legal custodian, or
157 responsible adult relative immediately known and available to
158 provide supervision and care, the central abuse hotline shall
159 determine if the report requires an immediate onsite protective
160 investigation. For reports requiring an immediate onsite
161 protective investigation, the central abuse hotline shall
162 immediately notify the department's designated district staff
163 responsible for protective investigations to ensure that an
164 onsite investigation is promptly initiated. For reports not
165 requiring an immediate onsite protective investigation, the
166 central abuse hotline shall notify the department's designated
167 district staff responsible for protective investigations in
168 sufficient time to allow for an investigation. At the time of
169 notification, the central abuse hotline shall also provide
170 information to district staff on any previous report concerning
171 a subject of the present report or any pertinent information
172 relative to the present report or any noted earlier reports.

173 (b) The department shall promptly notify the court of any
174 report to the central abuse hotline that is accepted for a

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175 protective investigation and involves a child over whom the
176 court has jurisdiction.

177 (9) (a) For each report received from the central abuse
178 hotline and accepted for investigation, the department or the
179 sheriff providing child protective investigative services under
180 s. 39.3065, shall perform the following child protective
181 investigation activities to determine child safety:

182 1. Conduct a review of all relevant, available information
183 specific to the child and family and alleged maltreatment;
184 family child welfare history; local, state, and federal criminal
185 records checks; and requests for law enforcement assistance
186 provided by the abuse hotline. Based on a review of available
187 information, including the allegations in the current report, a
188 determination shall be made as to whether immediate consultation
189 should occur with law enforcement, the Child Protection Team, a
190 domestic violence shelter or advocate, or a substance abuse or
191 mental health professional. Such consultations should include
192 discussion as to whether a joint response is necessary and
193 feasible. A determination shall be made as to whether the person
194 making the report should be contacted before the face-to-face
195 interviews with the child and family members.

196 2. Conduct face-to-face interviews with the child; other
197 siblings, if any; and the parents, legal custodians, or
198 caregivers.

199 3. Assess the child's residence, including a determination
200 of the composition of the family and household, including the
201 name, address, date of birth, social security number, sex, and
202 race of each child named in the report; any siblings or other
203 children in the same household or in the care of the same

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204 adults; the parents, legal custodians, or caregivers; and any
205 other adults in the same household.

206 4. Determine whether there is any indication that any child
207 in the family or household has been abused, abandoned, or
208 neglected; the nature and extent of present or prior injuries,
209 abuse, or neglect, and any evidence thereof; and a determination
210 as to the person or persons apparently responsible for the
211 abuse, abandonment, or neglect, including the name, address,
212 date of birth, social security number, sex, and race of each
213 such person.

214 5. Complete assessment of immediate child safety for each
215 child based on available records, interviews, and observations
216 with all persons named in subparagraph 2. and appropriate
217 collateral contacts, which may include other professionals. The
218 department's child protection investigators are hereby
219 designated a criminal justice agency for the purpose of
220 accessing criminal justice information to be used for enforcing
221 this state's laws concerning the crimes of child abuse,
222 abandonment, and neglect. This information shall be used solely
223 for purposes supporting the detection, apprehension,
224 prosecution, pretrial release, posttrial release, or
225 rehabilitation of criminal offenders or persons accused of the
226 crimes of child abuse, abandonment, or neglect and may not be
227 further disseminated or used for any other purpose.

228 6. Document the present and impending dangers to each child
229 based on the identification of inadequate protective capacity
230 through utilization of a standardized safety assessment
231 instrument. If present or impending danger is identified, the
232 child protective investigator must implement a safety plan or

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233 take the child into custody. If present danger is identified and
234 the child is not removed, the child protective investigator
235 shall create and implement a safety plan before leaving the home
236 or the location where there is present danger. If impending
237 danger is identified, the child protective investigator shall
238 create and implement a safety plan as soon as necessary to
239 protect the safety of the child. The child protective
240 investigator may modify the safety plan if he or she identifies
241 additional impending danger.

242 a. If the child protective investigator implements a safety
243 plan, the plan must be specific, sufficient, feasible, and
244 sustainable in response to the realities of the present or
245 impending danger. A safety plan may be an in-home plan or an
246 out-of-home plan, or a combination of both. A safety plan may
247 include tasks or responsibilities for a parent, caregiver, or
248 legal custodian. However, a safety plan may not rely on
249 promissory commitments by the parent, caregiver, or legal
250 custodian who is currently not able to protect the child or on
251 services that are not available or will not result in the safety
252 of the child. A safety plan may not be implemented if for any
253 reason the parents, guardian, or legal custodian lacks the
254 capacity or ability to comply with the plan. If the department
255 is not able to develop a plan that is specific, sufficient,
256 feasible, and sustainable, the department shall file a shelter
257 petition. A child protective investigator shall implement
258 separate safety plans for the perpetrator of domestic violence,
259 if the investigator, using reasonable efforts, can locate the
260 perpetrator to implement a safety plan, and for the parent who
261 is a victim of domestic violence as defined in s. 741.28.

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262 Reasonable efforts to locate a perpetrator include, but are not
263 limited to, a diligent search pursuant to the same requirements
264 as in s. 39.503. If the perpetrator of domestic violence is not
265 the parent, guardian, or legal custodian of any child in the
266 home and if the department does not intend to file a shelter
267 petition or dependency petition that will assert allegations
268 against the perpetrator as a parent of a child in the home, the
269 child protective investigator shall seek issuance of an
270 injunction authorized by s. 39.504 to implement a safety plan
271 for the perpetrator and impose any other conditions to protect
272 the child. The safety plan for the parent who is a victim of
273 domestic violence may not be shared with the perpetrator. If any
274 party to a safety plan fails to comply with the safety plan
275 resulting in the child being unsafe, the department shall file a
276 shelter petition.

277 b. The child protective investigator shall collaborate with
278 the community-based care lead agency in the development of the
279 safety plan as necessary to ensure that the safety plan is
280 specific, sufficient, feasible, and sustainable. The child
281 protective investigator shall identify services necessary for
282 the successful implementation of the safety plan. The child
283 protective investigator and the community-based care lead agency
284 shall mobilize service resources to assist all parties in
285 complying with the safety plan. The community-based care lead
286 agency shall prioritize safety plan services to families who
287 have multiple risk factors, including, but not limited to, two
288 or more of the following:

- 289 (I) The parent or legal custodian is of young age;
290 (II) The parent or legal custodian, or an adult currently

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291 living in or frequently visiting the home, has a history of
292 substance abuse, mental illness, or domestic violence;

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

296 (IV) The parent or legal custodian or an adult currently
297 living in or frequently visiting the home has been the subject
298 of multiple allegations by reputable reports of abuse or
299 neglect;

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

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

302 c. The child protective investigator shall monitor the
303 implementation of the plan to ensure the child's safety until
304 the case is transferred to the lead agency at which time the
305 lead agency shall monitor the implementation.

306 d. The department may file a petition for shelter or
307 dependency without a new child protective investigation or the
308 concurrence of the child protective investigator if the child is
309 unsafe but for the use of a safety plan and the parent or
310 caregiver has not sufficiently increased protective capacities
311 within 90 days after the transfer of the safety plan to the lead
312 agency.

313 Section 5. Subsection (1) of section 39.522, Florida
314 Statutes, is amended, and subsection (4) is added to that
315 section, to read:

316 39.522 Postdisposition change of custody.—The court may
317 change the temporary legal custody or the conditions of
318 protective supervision at a postdisposition hearing, without the
319 necessity of another adjudicatory hearing.

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320 (1) (a) At any time before a child is residing in the
321 permanent placement approved at the permanency hearing, a child
322 who has been placed in the child's own home under the protective
323 supervision of an authorized agent of the department, in the
324 home of a relative, in the home of a legal custodian, or in some
325 other place may be brought before the court by the department or
326 by any other interested person, upon the filing of a motion
327 alleging a need for a change in the conditions of protective
328 supervision or the placement. If the parents or other legal
329 custodians deny the need for a change, the court shall hear all
330 parties in person or by counsel, or both. Upon the admission of
331 a need for a change or after such hearing, the court shall enter
332 an order changing the placement, modifying the conditions of
333 protective supervision, or continuing the conditions of
334 protective supervision as ordered. The standard for changing
335 custody of the child shall be the best interests ~~interest~~ of the
336 child. When determining whether a change of legal custody or
337 placement is in ~~applying this standard, the court shall consider~~
338 ~~the continuity of the child's placement in the same out-of-home~~
339 ~~residence as a factor when determining~~ the best interests of the
340 child, the court shall consider:

341 1. The child's age.

342 2. The physical, mental, and emotional health benefits to
343 the child by remaining in his or her current placement or moving
344 to the proposed placement.

345 3. The stability and longevity of the child's current
346 placement.

347 4. The established bonded relationship between the child
348 and the current or proposed caregiver.

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349 5. The reasonable preference of the child, if the court has
350 found that the child is of sufficient intelligence,
351 understanding, and experience to express a preference.

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

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

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

358 9. The impact on visitation with siblings, parents, kin,
359 and any other person important to the child.

360 10. The likelihood of the child attaining permanency in the
361 current or proposed placement.

362 11. The likelihood the child will have to change schools or
363 day care placement, the impact of such change on the child, and
364 the parties' recommendations as to the timing on the change.

365 12. The disruption in medical, mental, dental, or health
366 care or other treatment that will be caused by the move.

367 13. The impact on activities that are important to the
368 child.

369 14. The likelihood the move will impact the child's future
370 access to education, Medicaid, and independent living benefits.

371 15. Any other relevant factors.

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

375 (4) (a) The court or any party to the case may file a
376 petition to place a child in out-of-home care after the child
377 was placed in the child's own home with an in-home safety plan

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378 or the child was reunified with a parent or caregiver with an
379 in-home safety plan if:

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

384 2. The parent or caregiver has materially violated a
385 condition of placement imposed by the court, including, but not
386 limited to, not complying with the in-home safety plan or case
387 plan.

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

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

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

396 3. The parent's or caregiver's current level of protective
397 capacities.

398 4. The level of increase, if any, in the parent's or
399 caregiver's protective capacities since the child's placement in
400 the home based on the length of time the child has been placed
401 in the home.

402 5. The compliance of all parties with any case plan, safety
403 plan or court order.

404 6. The preference of the child.

405 7. The likely placement for the child.

406 8. Whether the child will have to change schools or day

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407 care placement. The impact of such change on the child.

408 9. The disruption in medical, mental, dental, health care
409 or other treatment that will be caused by the removal.

410 10. The impact on visitation with siblings, kin and any
411 other person important to the child.

412 11. The impact on activities that are important to the
413 child.

414 (c) The court shall evaluate the child's permanency goal
415 and change the permanency goal as needed if doing so would be in
416 the best interest of the child.

417 Section 6. Subsection (5) of section 39.6011, Florida
418 Statutes, is amended to read:

419 39.6011 Case plan development.—

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

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

424 (b) The responsibilities of the parents, caregivers and
425 caseworkers to work together when safe to do so, including:

426 1. How parents and caregivers will work together to
427 successfully to implement the case plan.

428 2. How the case manager will assist the parents and
429 caregivers in developing a productive relationship that includes
430 meaningful communication and mutual support.

431 3. How the parents or caregivers are to notify the court or
432 the case manager if ineffective communication takes place that
433 negatively impacts the child.

434 (c) ~~(b)~~ The responsibility of the case manager to forward a
435 relative's request to receive notification of all proceedings

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436 and hearings submitted under ~~pursuant to~~ s. 39.301(14)(b) to the
437 attorney for the department.~~;~~

438 ~~(d)~~(e) The minimum number of face-to-face meetings to be
439 held each month between the parents and the case worker
440 ~~department's family services counselors~~ to review the progress
441 of the plan and services to the child, to eliminate barriers to
442 progress, and to resolve conflicts or disagreements between
443 parents and caregivers, service providers, or any other
444 professional assisting the parents in the completion of the case
445 plan.~~;~~ and

446 ~~(e)~~(d) The parent's responsibility for financial support of
447 the child, including, but not limited to, health insurance and
448 child support. The case plan must list the costs associated with
449 any services or treatment that the parent and child are expected
450 to receive which are the financial responsibility of the parent.
451 The determination of child support and other financial support
452 shall be made independently of any determination of indigency
453 under s. 39.013.

454 Section 7. Paragraph (b) of subsection (1) and paragraphs
455 (a) and (c) of subsection (2) of section 39.701, Florida
456 Statutes, are amended to read:

457 39.701 Judicial review.—

458 (1) GENERAL PROVISIONS.—

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

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465 the department and the court's jurisdiction shall continue or be
466 terminated.

467 2. Notwithstanding subparagraph 1., the court must retain
468 jurisdiction over a child if the child is placed in the home
469 with a parent or caregiver with an in-home safety plan and such
470 safety plan remains necessary for the child to reside safely in
471 the home.

472 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
473 AGE.—

474 (a) *Social study report for judicial review.*—Before every
475 judicial review hearing or citizen review panel hearing, the
476 social service agency shall make an investigation and social
477 study concerning all pertinent details relating to the child and
478 shall furnish to the court or citizen review panel a written
479 report that includes, but is not limited to:

480 1. A description of the type of placement the child is in
481 at the time of the hearing, including the safety of the child
482 and the continuing necessity for and appropriateness of the
483 placement.

484 2. Documentation of the diligent efforts made by all
485 parties to the case plan to comply with each applicable
486 provision of the plan.

487 3. The amount of fees assessed and collected during the
488 period of time being reported.

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

492 5. A statement that either:

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

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494 substantially with the case plan, and the agency
495 recommendations;

496 b. The parent did substantially comply with the case plan;
497 or

498 c. The parent has partially complied with the case plan,
499 with a summary of additional progress needed and the agency
500 recommendations.

501 6. A statement from the foster parent or caregiver ~~legal~~
502 ~~eustodian~~ providing any material evidence concerning the well-
503 being of the child, the impact of any services provided to the
504 child, the working relationship between the parents and
505 caregivers, and the return of the child to the ~~parent or~~
506 parents.

507 7. A statement concerning the frequency, duration, and
508 results of the parent-child visitation, if any, and the agency
509 and caregiver recommendations for an expansion or restriction of
510 future visitation.

511 8. The number of times a child has been removed from his or
512 her home and placed elsewhere, the number and types of
513 placements that have occurred, and the reason for the changes in
514 placement.

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

518 10. If the child has reached 13 years of age but is not yet
519 18 years of age, a statement from the caregiver on the progress
520 the child has made in acquiring independent living skills.

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

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523 been produced concerning the parents or any caregiver since the
524 last judicial review hearing.

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

527 (c) *Review determinations.*—The court and any citizen review
528 panel shall take into consideration the information contained in
529 the social services study and investigation and all medical,
530 psychological, and educational records that support the terms of
531 the case plan; testimony by the social services agency, the
532 parent, the foster parent or caregiver ~~legal custodian~~, the
533 guardian ad litem or surrogate parent for educational
534 decisionmaking if one has been appointed for the child, and any
535 other person deemed appropriate; and any relevant and material
536 evidence submitted to the court, including written and oral
537 reports to the extent of their probative value. These reports
538 and evidence may be received by the court in its effort to
539 determine the action to be taken with regard to the child and
540 may be relied upon to the extent of their probative value, even
541 though not competent in an adjudicatory hearing. In its
542 deliberations, the court and any citizen review panel shall seek
543 to determine:

544 1. If the parent was advised of the right to receive
545 assistance from any person or social service agency in the
546 preparation of the case plan.

547 2. If the parent has been advised of the right to have
548 counsel present at the judicial review or citizen review
549 hearings. If not so advised, the court or citizen review panel
550 shall advise the parent of such right.

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

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552 child in a case in which a guardian ad litem has not previously
553 been appointed or if there is a need to continue a guardian ad
554 litem in a case in which a guardian ad litem has been appointed.

555 4. Who holds the rights to make educational decisions for
556 the child. If appropriate, the court may refer the child to the
557 district school superintendent for appointment of a surrogate
558 parent or may itself appoint a surrogate parent under the
559 Individuals with Disabilities Education Act and s. 39.0016.

560 5. The compliance or lack of compliance of all parties with
561 applicable items of the case plan, including the parents'
562 compliance with child support orders.

563 6. The compliance or lack of compliance with a visitation
564 contract between the parent and the social service agency for
565 contact with the child, including the frequency, duration, and
566 results of the parent-child visitation and the reason for any
567 noncompliance.

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

572 8. The compliance or lack of compliance of the parent in
573 meeting specified financial obligations pertaining to the care
574 of the child, including the reason for failure to comply, if
575 applicable.

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

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581 child's best interests and special needs, and including
582 maintaining stability in the child's educational placement, as
583 documented by assurances from the community-based care lead
584 agency provider that:

585 a. The placement of the child takes into account the
586 appropriateness of the current educational setting and the
587 proximity to the school in which the child is enrolled at the
588 time of placement.

589 b. The community-based care lead agency has coordinated
590 with appropriate local educational agencies to ensure that the
591 child remains in the school in which the child is enrolled at
592 the time of placement.

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

595 11. When appropriate, the basis for the unwillingness or
596 inability of the parent to become a party to a case plan. The
597 court and the citizen review panel shall determine if the
598 efforts of the social service agency to secure party
599 participation in a case plan were sufficient.

600 12. For a child who has reached 13 years of age but is not
601 yet 18 years of age, the adequacy of the child's preparation for
602 adulthood and independent living. For a child who is 15 years of
603 age or older, the court shall determine if appropriate steps are
604 being taken for the child to obtain a driver license or
605 learner's driver license.

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

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

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610 and mutual support.

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

613 63.092 Report to the court of intended placement by an
614 adoption entity; at-risk placement; preliminary study.—

615 (3) PRELIMINARY HOME STUDY.—Before placing the minor in the
616 intended adoptive home, a preliminary home study must be
617 performed by a licensed child-placing agency, a child-caring
618 agency registered under s. 409.176, a licensed professional, or
619 an agency described in s. 61.20(2), unless the adoptee is an
620 adult or the petitioner is a stepparent or a relative. If the
621 adoptee is an adult or the petitioner is a stepparent or a
622 relative, a preliminary home study may be required by the court
623 for good cause shown. The department is required to perform the
624 preliminary home study only if there is no licensed child-
625 placing agency, child-caring agency registered under s. 409.176,
626 licensed professional, or agency described in s. 61.20(2), in
627 the county where the prospective adoptive parents reside. The
628 preliminary home study must be made to determine the suitability
629 of the intended adoptive parents and may be completed prior to
630 identification of a prospective adoptive minor. Preliminary home
631 studies initiated for identified prospective adoptive minors
632 that are in the custody of the department must be completed
633 within 30 days of initiation. A favorable preliminary home study
634 is valid for 1 year after the date of its completion. Upon its
635 completion, a signed copy of the home study must be provided to
636 the intended adoptive parents who were the subject of the home
637 study. A minor may not be placed in an intended adoptive home
638 before a favorable preliminary home study is completed unless

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639 the adoptive home is also a licensed foster home under s.
640 409.175. The preliminary home study must include, at a minimum:
641 (a) An interview with the intended adoptive parents;
642 (b) Records checks of the department's central abuse
643 registry, which the department shall provide to the entity
644 conducting the preliminary home study, and criminal records
645 correspondence checks under s. 39.0138 through the Department of
646 Law Enforcement on the intended adoptive parents;
647 (c) An assessment of the physical environment of the home;
648 (d) A determination of the financial security of the
649 intended adoptive parents;
650 (e) Documentation of counseling and education of the
651 intended adoptive parents on adoptive parenting, as determined
652 by the entity conducting the preliminary home study. The
653 training specified in s. 409.175(14) shall only be required for
654 persons who adopt children from the department;
655 (f) Documentation that information on adoption and the
656 adoption process has been provided to the intended adoptive
657 parents;
658 (g) Documentation that information on support services
659 available in the community has been provided to the intended
660 adoptive parents; and
661 (h) A copy of each signed acknowledgment of receipt of
662 disclosure required by s. 63.085.

663
664 If the preliminary home study is favorable, a minor may be
665 placed in the home pending entry of the judgment of adoption. A
666 minor may not be placed in the home if the preliminary home
667 study is unfavorable. If the preliminary home study is

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668 unfavorable, the adoption entity may, within 20 days after
669 receipt of a copy of the written recommendation, petition the
670 court to determine the suitability of the intended adoptive
671 home. A determination as to suitability under this subsection
672 does not act as a presumption of suitability at the final
673 hearing. In determining the suitability of the intended adoptive
674 home, the court must consider the totality of the circumstances
675 in the home. A minor may not be placed in a home in which there
676 resides any person determined by the court to be a sexual
677 predator as defined in s. 775.21 or to have been convicted of an
678 offense listed in s. 63.089(4)(b)2.

679 Section 9. Section 63.093, Florida Statutes, is created to
680 read:

681 63.093 Adoption of a child from the child welfare system.-
682 The adoption of a child from Florida's foster care system is a
683 process that typically includes an orientation session, an in-
684 depth training program to help prospective parents determine if
685 adoption is right for the family, a home study, and a background
686 check. Once the process has been completed, prospective parents
687 are ready to be matched with a child available for adoption.

688 (1) The prospective adoptive parents' initial inquiry to
689 the department or to the community-based care lead agency or
690 subcontractor staff, whether written or verbal, must receive a
691 written response or a telephone call from the department or
692 agency or subcontractor staff, as applicable, within 7 business
693 days after receipt of the inquiry. Prospective adoptive parents
694 who indicate an interest in adopting children in the custody of
695 the department must be referred by the department or agency or
696 subcontractor staff to a department-approved adoptive parent

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697 training program as prescribed in rule.

698 (2) An application to adopt must be made on the "Adoptive
699 Home Application" published by the department.

700 (3) An adoptive home study that includes observation,
701 screening, and evaluation of the child and adoptive applicants
702 must be completed by a staff person with the community-based
703 care lead agency, the subcontractor agency, or another licensed
704 child-placing agency prior to the adoptive placement of the
705 child. The purpose of this evaluation is to select families who
706 will be able to meet the physical, emotional, social,
707 educational, and financial needs of a child, while safeguarding
708 the child from further loss and separation from siblings and
709 significant adults. The adoptive home study is valid for 12
710 months from the approval date.

711 (4) In addition to other required documentation, an
712 adoptive parent application file must include the adoptive home
713 study and verification that all background screening
714 requirements have been met.

715 (5) The department-approved adoptive parent training must
716 be provided to and successfully completed by all prospective
717 adoptive parents except licensed foster parents and relative and
718 nonrelative caregivers who previously attended the training
719 within the last 5 years, as prescribed in rule, or have the
720 child currently placed in their home for 6 months or longer, and
721 been determined to understand the challenges and parenting
722 skills needed to successfully parent the children available for
723 adoption from foster care.

724 (6) At the conclusion of the preparation and study process,
725 the counselor and supervisor shall make a decision about the

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726 family's appropriateness to adopt. The decision to approve or
727 not to approve will be reflected in the final recommendation
728 included in the home study. If the recommendation is for
729 approval, the adoptive parent application file must be submitted
730 to the community-based lead agency or subcontractor agency for
731 approval, which must be made within 14 business days.

732
733 With the exception of subsection (1), the provisions of this
734 section do not apply to children adopted through the process
735 provided for in s. 63.082(6). The intent of the language is to
736 not include private adoptions and interventions.

737 Section 10. Section 409.1415, Florida Statutes, is created
738 to read:

739 409.1415 Parenting partnerships for children in out-of-home
740 care.—

741 (1) LEGISLATIVE FINDINGS AND INTENT.—

742 (a) The Legislature finds that reunification is the most
743 common outcome for children in out-of-home care and that
744 caregivers are one of the most important resources to help
745 children reunify with their families.

746 (b) The Legislature further finds that the most successful
747 caregivers understand that their role goes beyond supporting the
748 children in their care to supporting the children's families, as
749 a whole, and that children and their families benefit when
750 caregivers and birth parents are supported by an agency culture
751 that encourages a meaningful partnership between them and
752 provides quality support.

753 (c) Therefore, in keeping with national trends, it is the
754 intent of the Legislature to bring birth parents and caregivers

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755 together in order to build strong relationships that lead to
756 more successful reunifications and more stability for children
757 being fostered in out-of-home care.

758 (2) PARENTING PARTNERSHIPS.—

759 (a) General provisions.—In order to ensure that children in
760 out-of-home care achieve legal permanency as soon as possible,
761 to reduce the likelihood that they will re-enter care or that
762 other children in the family are abused or neglected or enter
763 out-of-home care, and to ensure that families are fully prepared
764 to resume custody of their children, the department and
765 community-based care lead agencies shall develop and support
766 relationships between caregivers and the legal parents of
767 children in out-of-home care to the extent that it is safe and
768 in the child's best interest, by:

769 1. Facilitating telephone communication between the
770 caregiver and the birth or legal parent as soon as possible
771 after the child is placed in the home.

772 2. Facilitating and attending an in-person meeting between
773 the caregiver and the birth or legal parent as soon as possible
774 after placement.

775 3. Developing and supporting a plan for birth or legal
776 parents to participate in medical appointments, educational and
777 extracurricular activities, and other events involving the
778 child.

779 4. Facilitating participation by the caregiver in
780 visitation between the birth parent and the child.

781 5. Involving the caregiver in planning meetings with the
782 birth parent.

783 6. Developing and implementing effective transition plans

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784 for the child's return home or placement in any other living
785 environment.

786 7. Supporting continued contact between the caregiver and
787 the child after the child returns home or moves to another
788 permanent living arrangement.

789 (b) Responsibilities.—To ensure that a child in out-of-home
790 care receives support for healthy development which gives him or
791 her the best possible opportunity for success, caregivers, birth
792 parents, the department, community-based care lead agency staff,
793 and other agency staff, as applicable, shall work cooperatively
794 in a respectful partnership by adhering to the following
795 requirements:

796 1. All members of the partnership must interact and
797 communicate professionally with one another, must share all
798 relevant information promptly, and must respect the
799 confidentiality of all information related to a child and his or
800 her family.

801 2. Caregivers, the family, the child if appropriate, the
802 department, community-based care lead agency staff, and other
803 agency staff must participate in developing a case plan for the
804 child and family, and all members of the team must work together
805 to implement the plan. Caregivers must participate in all team
806 meetings or court hearings related to the child's care and
807 future plans. The department, community-based care lead agency
808 staff, and other agency staff must support and facilitate
809 caregiver participation through timely notification of such
810 meetings and hearings and an inclusive process, and by providing
811 alternative methods for participation for caregivers who cannot
812 be physically present at a meeting or hearing.

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813 3. Excellent parenting is a reasonable expectation of
814 caregivers. Caregivers must provide, and the department,
815 community-based care lead agency staff, and other agency staff
816 must support, excellent parenting. As used in this subparagraph,
817 the term "excellent parenting" means a loving commitment to the
818 child and the child's safety and well-being; appropriate
819 supervision and positive methods of discipline; encouragement of
820 the child's strengths; respect for the child's individuality and
821 likes and dislikes; providing opportunities for the child to
822 develop interests and skills; being aware of the impact of
823 trauma on behavior; facilitating equal participation of the
824 child in family life; involving the child within his or her
825 community; and a commitment to enable the child to lead a normal
826 life.

827 4. Children in out-of-home care may be placed only with a
828 caregiver who has the ability to care for the child; is willing
829 to accept responsibility for providing care; and is willing and
830 able to learn about and be respectful of the child's culture,
831 religion, and ethnicity, his or her special physical or
832 psychological needs, any circumstances unique to the child, and
833 family relationships. The department, the community-based care
834 lead agency, and other agencies must provide a caregiver with
835 all available information necessary to assist the caregiver in
836 determining whether he or she is able to appropriately care for
837 a particular child.

838 5. A caregiver must have access to and take advantage of
839 all training that he or she needs to improve his or her skills
840 in parenting a child who has experienced trauma due to neglect,
841 abuse, or separation from home; to meet the child's special

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842 needs; and to work effectively with child welfare agencies, the
843 courts, the schools, and other community and governmental
844 agencies.

845 6. The department, community-based care lead agency staff,
846 and other agency staff must provide caregivers with the services
847 and support they need to enable them to provide quality care for
848 the child.

849 7. Once a caregiver accepts the responsibility of caring
850 for a child, the child may be removed from that caregiver only
851 if the caregiver is clearly unable to care for him or her safely
852 or legally, when the child and his or her biological family are
853 reunified, when the child is being placed in a legally permanent
854 home in accordance with a case plan or court order, or when the
855 removal is demonstrably in the best interests of the child.

856 8. If a child must leave the caregiver's home for one of
857 the reasons stated in subparagraph 7., and in the absence of an
858 unforeseeable emergency, the transition must be accomplished
859 according to a plan that involves cooperation and sharing of
860 information among all persons involved, respects the child's
861 developmental stage and psychological needs, ensures the child
862 has all of his or her belongings, allows for a gradual
863 transition from the caregiver's home, and, if possible, allows
864 for continued contact with the caregiver after the child leaves.

865 9. When the plan for a child includes reunification,
866 caregivers and agency staff must work together to assist the
867 biological parents in improving their ability to care for and
868 protect their children and to provide continuity for the child.

869 10. A caregiver must respect and support the child's ties
870 to his or her biological family, including parents, siblings,

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871 and extended family members, and must assist the child in
872 visitation and other forms of communication. The department,
873 community-based care lead agency staff, and other agency staff
874 must provide caregivers with the information, guidance,
875 training, and support necessary for fulfilling this
876 responsibility.

877 11. A caregiver must work in partnership with the
878 department, community-based care lead agency staff, and other
879 agency staff to obtain and maintain records that are important
880 to the child's well-being including, but not limited to, child
881 resource records, medical records, school records, photographs,
882 and records of special events and achievements.

883 12. A caregiver must effectively advocate for a child in
884 his or her care with the child welfare system, the court, and
885 community agencies, including schools, child care providers,
886 health and mental health providers, and employers. The
887 department, community-based care lead agency staff, and other
888 agency staff must support a caregiver in effectively advocating
889 for a child and may not retaliate against the caregiver as a
890 result of this advocacy.

891 13. A caregiver must be as fully involved in the child's
892 medical, psychological, and dental care as he or she would be
893 for his or her biological child. Agency staff must support and
894 facilitate such participation. Caregivers, the department,
895 community-based care lead agency staff, and other agency staff
896 must share information with each other about the child's health
897 and well-being.

898 14. A caregiver must support a child's school success,
899 including, when possible, maintaining school stability by

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900 participating in school activities and meetings, including
901 individual education plan meetings; assisting with school
902 assignments; supporting tutoring programs; meeting with teachers
903 and working with an educational surrogate, if one has been
904 appointed; and encouraging the child's participation in
905 extracurricular activities. Agency staff must facilitate this
906 participation and must be kept informed of the child's progress
907 and needs.

908 15. Caregivers must ensure that the child in the
909 caregiver's care who is between 13 and 17 years of age learns
910 and masters independent living skills and is aware of the
911 requirements and benefits of the Road-to-Independence Program.

912 16. Caseworkers and caseworker supervisors must mediate
913 disagreements that occur between caregivers and birth parents.

914 (c) Residential group homes.—All employees, including
915 persons who do not work directly with children, of a residential
916 group home must meet the background screening requirements under
917 s. 39.0138 and the level 2 standards for screening under chapter
918 435. All employees in residential group homes working directly
919 with children as caregivers must meet, at a minimum, the same
920 education, training, and background and other screening
921 requirements as level 2 licensed foster parents.

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

924 Section 11. Section 409.145, Florida Statutes, is amended
925 to read:

926 409.145 Care of children; ~~quality parenting~~; "reasonable
927 and prudent parent" standard.—The child welfare system of the
928 department shall operate as a coordinated community-based system

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929 of care which empowers all caregivers for children in foster
930 care to provide quality parenting, including approving or
931 disapproving a child's participation in activities based on the
932 caregiver's assessment using the "reasonable and prudent parent"
933 standard.

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

939 (a) Prevention of separation of children from their
940 families.

941 (b) Intervention to allow children to remain safely in
942 their own homes.

943 (c) Reunification of families who have had children removed
944 from their care.

945 (d) Safety for children who are separated from their
946 families by providing alternative emergency or longer-term
947 parenting arrangements.

948 (e) Focus on the well-being of children through emphasis on
949 maintaining educational stability and providing timely health
950 care.

951 (f) Permanency for children for whom reunification with
952 their families is not possible or is not in the best interest of
953 the child.

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

956 ~~(2) QUALITY PARENTING. A child in foster care shall be~~
957 ~~placed only with a caregiver who has the ability to care for the~~

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958 ~~child, is willing to accept responsibility for providing care,~~
959 ~~and is willing and able to learn about and be respectful of the~~
960 ~~child's culture, religion and ethnicity, special physical or~~
961 ~~psychological needs, any circumstances unique to the child, and~~
962 ~~family relationships. The department, the community-based care~~
963 ~~lead agency, and other agencies shall provide such caregiver~~
964 ~~with all available information necessary to assist the caregiver~~
965 ~~in determining whether he or she is able to appropriately care~~
966 ~~for a particular child.~~

967 ~~(a) Roles and responsibilities of caregivers. A caregiver~~
968 ~~shall:~~

969 ~~1. Participate in developing the case plan for the child~~
970 ~~and his or her family and work with others involved in his or~~
971 ~~her care to implement this plan. This participation includes the~~
972 ~~caregiver's involvement in all team meetings or court hearings~~
973 ~~related to the child's care.~~

974 ~~2. Complete all training needed to improve skills in~~
975 ~~parenting a child who has experienced trauma due to neglect,~~
976 ~~abuse, or separation from home, to meet the child's special~~
977 ~~needs, and to work effectively with child welfare agencies, the~~
978 ~~court, the schools, and other community and governmental~~
979 ~~agencies.~~

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

983 ~~4. Effectively advocate for the child in the caregiver's~~
984 ~~care with the child welfare system, the court, and community~~
985 ~~agencies, including the school, child care, health and mental~~
986 ~~health providers, and employers.~~

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

990 ~~6. Support the child's educational success by participating~~
991 ~~in activities and meetings associated with the child's school or~~
992 ~~other educational setting, including Individual Education Plan~~
993 ~~meetings and meetings with an educational surrogate if one has~~
994 ~~been appointed, assisting with assignments, supporting tutoring~~
995 ~~programs, and encouraging the child's participation in~~
996 ~~extracurricular activities.~~

997 ~~a. Maintaining educational stability for a child while in~~
998 ~~out-of-home care by allowing the child to remain in the school~~
999 ~~or educational setting that he or she attended before entry into~~
1000 ~~out-of-home care is the first priority, unless not in the best~~
1001 ~~interest of the child.~~

1002 ~~b. If it is not in the best interest of the child to remain~~
1003 ~~in his or her school or educational setting upon entry into out-~~
1004 ~~of-home care, the caregiver must work with the case manager,~~
1005 ~~guardian ad litem, teachers and guidance counselors, and~~
1006 ~~educational surrogate if one has been appointed to determine the~~
1007 ~~best educational setting for the child. Such setting may include~~
1008 ~~a public school that is not the school of origin, a private~~
1009 ~~school pursuant to s. 1002.42, a virtual instruction program~~
1010 ~~pursuant to s. 1002.45, or a home education program pursuant to~~
1011 ~~s. 1002.41.~~

1012 ~~7. Work in partnership with other stakeholders to obtain~~
1013 ~~and maintain records that are important to the child's well-~~
1014 ~~being, including child resource records, medical records, school~~
1015 ~~records, photographs, and records of special events and~~

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1016 ~~achievements.~~

1017 ~~8. Ensure that the child in the caregiver's care who is~~
1018 ~~between 13 and 17 years of age learns and masters independent~~
1019 ~~living skills.~~

1020 ~~9. Ensure that the child in the caregiver's care is aware~~
1021 ~~of the requirements and benefits of the Road to Independence~~
1022 ~~Program.~~

1023 ~~10. Work to enable the child in the caregiver's care to~~
1024 ~~establish and maintain naturally occurring mentoring~~
1025 ~~relationships.~~

1026 ~~(b) Roles and responsibilities of the department, the~~
1027 ~~community based care lead agency, and other agency staff. The~~
1028 ~~department, the community-based care lead agency, and other~~
1029 ~~agency staff shall:~~

1030 ~~1. Include a caregiver in the development and~~
1031 ~~implementation of the case plan for the child and his or her~~
1032 ~~family. The caregiver shall be authorized to participate in all~~
1033 ~~team meetings or court hearings related to the child's care and~~
1034 ~~future plans. The caregiver's participation shall be facilitated~~
1035 ~~through timely notification, an inclusive process, and~~
1036 ~~alternative methods for participation for a caregiver who cannot~~
1037 ~~be physically present.~~

1038 ~~2. Develop and make available to the caregiver the~~
1039 ~~information, services, training, and support that the caregiver~~
1040 ~~needs to improve his or her skills in parenting children who~~
1041 ~~have experienced trauma due to neglect, abuse, or separation~~
1042 ~~from home, to meet these children's special needs, and to~~
1043 ~~advocate effectively with child welfare agencies, the courts,~~
1044 ~~schools, and other community and governmental agencies.~~

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1045 ~~3. Provide the caregiver with all information related to~~
1046 ~~services and other benefits that are available to the child.~~

1047 ~~4. Show no prejudice against a caregiver who desires to~~
1048 ~~educate at home a child placed in his or her home through the~~
1049 ~~child welfare system.~~

1050 ~~(c) *Transitions.*~~

1051 ~~1. Once a caregiver accepts the responsibility of caring~~
1052 ~~for a child, the child will be removed from the home of that~~
1053 ~~caregiver only if:~~

1054 ~~a. The caregiver is clearly unable to safely or legally~~
1055 ~~care for the child;~~

1056 ~~b. The child and his or her biological family are~~
1057 ~~reunified;~~

1058 ~~e. The child is being placed in a legally permanent home~~
1059 ~~pursuant to the case plan or a court order; or~~

1060 ~~d. The removal is demonstrably in the child's best~~
1061 ~~interest.~~

1062 ~~2. In the absence of an emergency, if a child leaves the~~
1063 ~~caregiver's home for a reason provided under subparagraph 1.,~~
1064 ~~the transition must be accomplished according to a plan that~~
1065 ~~involves cooperation and sharing of information among all~~
1066 ~~persons involved, respects the child's developmental stage and~~
1067 ~~psychological needs, ensures the child has all of his or her~~
1068 ~~belongings, allows for a gradual transition from the caregiver's~~
1069 ~~home and, if possible, for continued contact with the caregiver~~
1070 ~~after the child leaves.~~

1071 ~~(d) *Information sharing.* Whenever a foster home or~~
1072 ~~residential group home assumes responsibility for the care of a~~
1073 ~~child, the department and any additional providers shall make~~

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1074 available to the caregiver as soon as is practicable all
1075 relevant information concerning the child. Records and
1076 information that are required to be shared with caregivers
1077 include, but are not limited to:

1078 1. ~~Medical, dental, psychological, psychiatric, and~~
1079 ~~behavioral history, as well as ongoing evaluation or treatment~~
1080 ~~needs;~~

1081 2. ~~School records;~~

1082 3. ~~Copies of his or her birth certificate and, if~~
1083 ~~appropriate, immigration status documents;~~

1084 4. ~~Consents signed by parents;~~

1085 5. ~~Comprehensive behavioral assessments and other social~~
1086 ~~assessments;~~

1087 6. ~~Court orders;~~

1088 7. ~~Visitation and case plans;~~

1089 8. ~~Guardian ad litem reports;~~

1090 9. ~~Staffing forms; and~~

1091 10. ~~Judicial or citizen review panel reports and~~
1092 ~~attachments filed with the court, except confidential medical,~~
1093 ~~psychiatric, and psychological information regarding any party~~
1094 ~~or participant other than the child.~~

1095 ~~(c) Caregivers employed by residential group homes. All~~
1096 ~~caregivers in residential group homes shall meet the same~~
1097 ~~education, training, and background and other screening~~
1098 ~~requirements as foster parents.~~

1099 (2) ~~(3)~~ REASONABLE AND PRUDENT PARENT STANDARD.—

1100 (a) *Definitions.*—As used in this subsection, the term:

1101 1. "Age-appropriate" means an activity or item that is
1102 generally accepted as suitable for a child of the same

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1103 chronological age or level of maturity. Age appropriateness is
1104 based on the development of cognitive, emotional, physical, and
1105 behavioral capacity which is typical for an age or age group.

1106 2. "Caregiver" means a person with whom the child is placed
1107 in out-of-home care, or a designated official for a group care
1108 facility licensed by the department under s. 409.175.

1109 3. "Reasonable and prudent parent" standard means the
1110 standard of care used by a caregiver in determining whether to
1111 allow a child in his or her care to participate in
1112 extracurricular, enrichment, and social activities. This
1113 standard is characterized by careful and thoughtful parental
1114 decisionmaking that is intended to maintain a child's health,
1115 safety, and best interest while encouraging the child's
1116 emotional and developmental growth.

1117 (b) *Application of standard of care.*—

1118 1. Every child who comes into out-of-home care pursuant to
1119 this chapter is entitled to participate in age-appropriate
1120 extracurricular, enrichment, and social activities.

1121 2. Each caregiver shall use the reasonable and prudent
1122 parent standard in determining whether to give permission for a
1123 child living in out-of-home care to participate in
1124 extracurricular, enrichment, or social activities. When using
1125 the reasonable and prudent parent standard, the caregiver must
1126 consider:

1127 a. The child's age, maturity, and developmental level to
1128 maintain the overall health and safety of the child.

1129 b. The potential risk factors and the appropriateness of
1130 the extracurricular, enrichment, or social activity.

1131 c. The best interest of the child, based on information

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1132 known by the caregiver.

1133 d. The importance of encouraging the child's emotional and
1134 developmental growth.

1135 e. The importance of providing the child with the most
1136 family-like living experience possible.

1137 f. The behavioral history of the child and the child's
1138 ability to safely participate in the proposed activity.

1139 (c) *Verification of services delivered.*—The department and
1140 each community-based care lead agency shall verify that private
1141 agencies providing out-of-home care services to dependent
1142 children have policies in place which are consistent with this
1143 section and that these agencies promote and protect the ability
1144 of dependent children to participate in age-appropriate
1145 extracurricular, enrichment, and social activities.

1146 (d) *Limitation of liability.*—A caregiver is not liable for
1147 harm caused to a child who participates in an activity approved
1148 by the caregiver, provided that the caregiver has acted in
1149 accordance with the reasonable and prudent parent standard. This
1150 paragraph may not be interpreted as removing or limiting any
1151 existing liability protection afforded by law.

1152 (3)~~(4)~~ FOSTER CARE ROOM AND BOARD RATES.—

1153 (a) Effective July 1, 2018, room and board rates shall be
1154 paid to foster parents as follows:

1155

Monthly Foster Care Rate

1156

0-5 Years	6-12 Years	13-21 Years
Age	Age	Age

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1185 foster care parents of all family foster homes, on a per-child
1186 basis, for providing independent life skills and normalcy
1187 supports to children who are 13 through 17 years of age placed
1188 in their care. The supplemental payment shall be paid monthly to
1189 the foster care parents in addition to the current monthly room
1190 and board rate payment. The supplemental monthly payment shall
1191 be based on 10 percent of the monthly room and board rate for
1192 children 13 through 21 years of age as provided under this
1193 section and adjusted annually. Effective July 1, 2019, such
1194 supplemental payments shall only be paid to foster parents of
1195 level II through level V family foster homes.

1196 ~~(4)-(5)~~ RULEMAKING.—The department shall adopt by rule
1197 procedures to administer this section.

1198 Section 12. Paragraph (b) of subsection (6) of section
1199 409.175, Florida Statutes, is amended, and paragraph (1) is
1200 added to that subsection, to read:

1201 409.175 Licensure of family foster homes, residential
1202 child-caring agencies, and child-placing agencies; public
1203 records exemption.—

1204 (6)

1205 (b) Upon application for licensure, the department shall
1206 conduct a licensing study based on its licensing rules; shall
1207 inspect the home or the agency and the records, including
1208 financial records, of the applicant or agency; and shall
1209 interview the applicant. The department may authorize a licensed
1210 child-placing agency to conduct the licensing study of a family
1211 foster home to be used exclusively by that agency and to verify
1212 to the department that the home meets the licensing requirements
1213 established by the department. A licensing study of a family

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1214 foster home must be completed by the department or an authorized
1215 licensed child-placing agency within 30 days of initiation. The
1216 department shall post on its website a list of the agencies
1217 authorized to conduct such studies.

1218 1. The complete application file shall be submitted in
1219 accordance with the traditional or attestation model for
1220 licensure as prescribed in rule. In addition to other required
1221 documentation, a traditional licensing application file must
1222 include a completed licensing study and verification of
1223 background screening requirements.

1224 2. The department regional licensing authority shall ensure
1225 that the licensing application file is complete and that all
1226 licensing requirements are met for the issuance of the license.
1227 If the child-placing agency is contracted with a community-based
1228 care lead agency, the licensing application file must contain
1229 documentation of a review by the community-based care lead
1230 agency and the regional licensing authority and a recommendation
1231 for approval or denial by the community-based care lead agency
1232 ~~Upon certification by a licensed child-placing agency that a~~
1233 ~~family foster home meets the licensing requirements and upon~~
1234 ~~receipt of a letter from a community-based care lead agency in~~
1235 ~~the service area where the home will be licensed which indicates~~
1236 ~~that the family foster home meets the criteria established by~~
1237 ~~the lead agency, the department shall issue the license. A~~
1238 ~~letter from the lead agency is not required if the lead agency~~
1239 ~~where the proposed home is located is directly supervising~~
1240 ~~foster homes in the same service area.~~

1241 3. An application file must be approved or denied within 10
1242 business days after receipt by the regional licensing authority.

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1243 If the application file is approved, a license must be issued to
1244 the applicant. The license must include the name and address of
1245 the caregiver, the name of the supervising agency, the licensed
1246 capacity, and the dates for which the license is valid. The
1247 department regional managing director or designee within upper
1248 level management shall sign the license. Any limitations must be
1249 displayed on the license.

1250 4. The regional licensing authority shall provide a copy of
1251 the license to the community-based care lead agency or
1252 supervising agency. The community-based care lead agency or
1253 supervising agency shall ensure that the license is sent to the
1254 foster parent.

1255 (1) The department shall approve or deny a license within
1256 10 business days after receipt of a complete family foster home
1257 application and other required documentation as prescribed in
1258 rule. The department shall approve or deny a complete
1259 application no later than 100 calendar days after the
1260 orientation required by s. 409.175(14). The department may
1261 exceed 100 calendar days to approve or deny a license if
1262 additional certifications are required by s. 409.175(5)(a).

1263 Section 13. Paragraph (j) of subsection (1) of section
1264 409.988, Florida Statutes, is amended to read:

1265 409.988 Lead agency duties; general provisions.-

1266 (1) DUTIES.-A lead agency:

1267 (j) May subcontract for the provision of services required
1268 by the contract with the lead agency and the department;
1269 however, the subcontracts must specify how the provider will
1270 contribute to the lead agency meeting the performance standards
1271 established pursuant to the child welfare results-oriented

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1272 accountability system required by s. 409.997. The lead agency
1273 shall directly provide no more than 35 percent of all child
1274 welfare services provided unless it can demonstrate a need,
1275 within the lead agency's geographic service area, to exceed this
1276 threshold. The local community alliance in the geographic
1277 service area in which the lead agency is seeking to exceed the
1278 threshold shall review the lead agency's justification for need
1279 and recommend to the department whether the department should
1280 approve or deny the lead agency's request for an exemption from
1281 the services threshold. If there is not a community alliance
1282 operating in the geographic service area in which the lead
1283 agency is seeking to exceed the threshold, such review and
1284 recommendation shall be made by representatives of local
1285 stakeholders, including at least one representative from each of
1286 the following:

- 1287 1. The department.
- 1288 2. The county government.
- 1289 3. The school district.
- 1290 4. The county United Way.
- 1291 5. The county sheriff's office.
- 1292 6. The circuit court corresponding to the county.
- 1293 7. The county children's board, if one exists.

1294 Section 14. Paragraph (b) of subsection (7) of section
1295 39.302, Florida Statutes, is amended to read:

1296 39.302 Protective investigations of institutional child
1297 abuse, abandonment, or neglect.—

1298 (7) When an investigation of institutional abuse, neglect,
1299 or abandonment is closed and a person is not identified as a
1300 caregiver responsible for the abuse, neglect, or abandonment

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1301 alleged in the report, the fact that the person is named in some
1302 capacity in the report may not be used in any way to adversely
1303 affect the interests of that person. This prohibition applies to
1304 any use of the information in employment screening, licensing,
1305 child placement, adoption, or any other decisions by a private
1306 adoption agency or a state agency or its contracted providers.

1307 (b) Likewise, if a person is employed as a caregiver in a
1308 residential group home licensed pursuant to s. 409.175 and is
1309 named in any capacity in three or more reports within a 5-year
1310 period, the department may review all reports for the purposes
1311 of the employment screening required pursuant to s.

1312 409.1415(2)(c) ~~s. 409.145(2)(e)~~.

1313 Section 15. Paragraph (d) of subsection (5) of section
1314 39.6225, Florida Statutes, is amended to read:

1315 39.6225 Guardianship Assistance Program.—

1316 (5) A guardian with an application approved pursuant to
1317 subsection (2) who is caring for a child placed with the
1318 guardian by the court pursuant to this part may receive
1319 guardianship assistance payments based on the following
1320 criteria:

1321 (d) The department shall provide guardianship assistance
1322 payments in the amount of \$4,000 annually, paid on a monthly
1323 basis, or in an amount other than \$4,000 annually as determined
1324 by the guardian and the department and memorialized in a written
1325 agreement between the guardian and the department. The agreement
1326 shall take into consideration the circumstances of the guardian
1327 and the needs of the child. Changes may not be made without the
1328 concurrence of the guardian. However, in no case shall the
1329 amount of the monthly payment exceed the foster care maintenance

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1330 payment that would have been paid during the same period if the
1331 child had been in licensed care at his or her designated level
1332 of care at the rate established in s. 409.145(3) ~~s. 409.145(4)~~.

1333 Section 16. Paragraph (b) of subsection (5) of section
1334 393.065, Florida Statutes, is amended to read:

1335 393.065 Application and eligibility determination.—

1336 (5) The agency shall assign and provide priority to clients
1337 waiting for waiver services in the following order:

1338 (b) Category 2, which includes individuals on the waiting
1339 list who are:

1340 1. From the child welfare system with an open case in the
1341 Department of Children and Families' statewide automated child
1342 welfare information system and who are either:

1343 a. Transitioning out of the child welfare system at the
1344 finalization of an adoption, a reunification with family
1345 members, a permanent placement with a relative, or a
1346 guardianship with a nonrelative; or

1347 b. At least 18 years but not yet 22 years of age and who
1348 need both waiver services and extended foster care services; or

1349 2. At least 18 years but not yet 22 years of age and who
1350 withdrew consent pursuant to s. 39.6251(5)(c) to remain in the
1351 extended foster care system.

1352
1353 For individuals who are at least 18 years but not yet 22 years
1354 of age and who are eligible under sub-subparagraph 1.b., the
1355 agency shall provide waiver services, including residential
1356 habilitation, and the community-based care lead agency shall
1357 fund room and board at the rate established in s. 409.145(3) ~~s.~~
1358 ~~409.145(4)~~ and provide case management and related services as

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1359 defined in s. 409.986(3)(e). Individuals may receive both waiver
1360 services and services under s. 39.6251. Services may not
1361 duplicate services available through the Medicaid state plan.
1362

1363 Within categories 3, 4, 5, 6, and 7, the agency shall maintain a
1364 waiting list of clients placed in the order of the date that the
1365 client is determined eligible for waiver services.

1366 Section 17. Paragraph (b) of subsection (2) of section
1367 409.1451, Florida Statutes, is amended to read:

1368 409.1451 The Road-to-Independence Program.—

1369 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1370 (b) The amount of the financial assistance shall be as
1371 follows:

1372 1. For a young adult who does not remain in foster care and
1373 is attending a postsecondary school as provided in s. 1009.533,
1374 the amount is \$1,256 monthly.

1375 2. For a young adult who remains in foster care, is
1376 attending a postsecondary school, as provided in s. 1009.533,
1377 and continues to reside in a licensed foster home, the amount is
1378 the established room and board rate for foster parents. This
1379 takes the place of the payment provided for in s. 409.145(3) ~~s.~~
1380 ~~409.145(4)~~.

1381 3. For a young adult who remains in foster care, but
1382 temporarily resides away from a licensed foster home for
1383 purposes of attending a postsecondary school as provided in s.
1384 1009.533, the amount is \$1,256 monthly. This takes the place of
1385 the payment provided for in s. 409.145(3) ~~s. 409.145(4)~~.

1386 4. For a young adult who remains in foster care, is
1387 attending a postsecondary school as provided in s. 1009.533, and

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1388 continues to reside in a licensed group home, the amount is
1389 negotiated between the community-based care lead agency and the
1390 licensed group home provider.

1391 5. For a young adult who remains in foster care, but
1392 temporarily resides away from a licensed group home for purposes
1393 of attending a postsecondary school as provided in s. 1009.533,
1394 the amount is \$1,256 monthly. This takes the place of a
1395 negotiated room and board rate.

1396 6. A young adult is eligible to receive financial
1397 assistance during the months when he or she is enrolled in a
1398 postsecondary educational institution.

1399 Section 18. For the 2020-2021 fiscal year, the sums of
1400 \$2,198,670 in recurring and \$51,020 in nonrecurring funds from
1401 the General Revenue Fund are appropriated to the State Court
1402 System, and 21 full-time equivalent positions with associated
1403 salary rate of 1,322,144 are authorized for the purposes of
1404 implementing this act.

1405 Section 19. This act shall take effect July 1, 2020.