

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Children, Families &
2 Seniors Subcommittee
3 Representative Valdés offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 39.4085, Florida Statutes, is amended to
8 read:

9 39.4085 ~~Legislative findings and declaration of intent for~~
10 ~~goals~~ Goals for dependent children; responsibilities;
11 education.—

12 (1) The Legislature finds ~~and declares~~ that the design and
13 delivery of child welfare services should be directed by the
14 principle that the health and safety of children, including the
15 freedom from abuse, abandonment, and neglect, ~~should be~~ is of

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16 paramount concern, and, therefore, establishes the following
17 goals for children in shelter or foster care:

18 ~~(a)-(1)~~ To receive a copy of this act and have it fully
19 explained to them when they are placed in the custody of the
20 department.

21 ~~(b)-(2)~~ To enjoy individual dignity, liberty, pursuit of
22 happiness, and the protection of their civil and legal rights as
23 persons in the custody of the state.

24 ~~(c)-(3)~~ To have their privacy protected, have their
25 personal belongings secure and transported with them, and,
26 unless otherwise ordered by the court, have uncensored
27 communication, including receiving and sending unopened
28 communications and having access to a telephone.

29 ~~(d)-(4)~~ To have personnel providing services who are
30 sufficiently qualified and experienced to assess the risk
31 children face before ~~prior to~~ removal from their homes and to
32 meet the needs of the children once they are in the custody of
33 the department.

34 ~~(e)-(5)~~ To remain in the custody of their parents or legal
35 custodians unless and until there has been a determination by a
36 qualified person exercising competent professional judgment that
37 removal is necessary to protect their physical, mental, or
38 emotional health or safety.

39 ~~(f)-(6)~~ To have a full risk, health, educational, medical,
40 and psychological screening and, if needed, assessment and

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41 testing upon adjudication into foster care; and to have their
42 photograph and fingerprints included in their case management
43 file.

44 ~~(g)-(7)~~ To be referred to and receive services, including
45 necessary medical, emotional, psychological, psychiatric, and
46 educational evaluations and treatment, as soon as practicable
47 after identification of the need for such services by the
48 screening and assessment process.

49 ~~(h)-(8)~~ To be placed in a home with no more than one other
50 child, unless they are part of a sibling group.

51 ~~(i)-(9)~~ To be placed away from other children known to pose
52 a threat of harm to them, either because of their own risk
53 factors or those of the other child.

54 ~~(j)-(10)~~ To be placed in a home where the shelter or foster
55 caregiver is aware of and understands the child's history,
56 needs, and risk factors.

57 ~~(k)-(11)~~ To be the subject of a plan developed by the
58 counselor and the shelter or foster caregiver to deal with
59 identified behaviors that may present a risk to the child or
60 others.

61 ~~(l)-(12)~~ To be involved and incorporated, if ~~where~~
62 appropriate, in the development of the case plan, to have a case
63 plan which will address their specific needs, and to object to
64 any of the provisions of the case plan.

65 ~~(m)-(13)~~ To receive meaningful case management and planning

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66 that will quickly return the child to his or her family or move
67 the child on to other forms of permanency.

68 ~~(n)-(14)~~ To receive regular communication with a case
69 manager ~~caseworker~~, at least once a month, which shall include
70 meeting with the child alone and conferring with the shelter or
71 foster caregiver.

72 ~~(o)-(15)~~ To enjoy regular visitation, at least once a week,
73 with their siblings unless the court orders otherwise.

74 ~~(p)-(16)~~ To enjoy regular visitation with their parents, at
75 least once a month, unless the court orders otherwise.

76 ~~(q)-(17)~~ To receive a free and appropriate education;
77 minimal disruption to their education and retention in their
78 home school, if appropriate; referral to the child study team;
79 all special educational services, including, if where
80 appropriate, the appointment of a parent surrogate; and the
81 sharing of all necessary information between the school board
82 and the department, including information on attendance and
83 educational progress.

84 ~~(r)-(18)~~ To be able to raise grievances with the department
85 over the care they are receiving from their caregivers, case
86 managers ~~caseworkers~~, or other service providers.

87 ~~(s)-(19)~~ To be heard by the court, if appropriate, at all
88 review hearings.

89 ~~(t)-(20)~~ To have a guardian ad litem appointed to
90 represent, within reason, their best interests and, if where

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91 appropriate, an attorney ad litem appointed to represent their
92 legal interests; the guardian ad litem and attorney ad litem
93 shall have immediate and unlimited access to the children they
94 represent.

95 ~~(u)(21)~~ To have all their records available for review by
96 their guardian ad litem and attorney ad litem if they deem such
97 review necessary.

98 ~~(v)(22)~~ To organize as a group for purposes of ensuring
99 that they receive the services and living conditions to which
100 they are entitled and to provide support for one another while
101 in the custody of the department.

102 ~~(w)(23)~~ To be afforded prompt access to all available
103 state and federal programs, including, but not limited to: Early
104 Periodic Screening, Diagnosis, and Testing (EPSDT) services,
105 developmental services programs, Medicare and supplemental
106 security income, Children's Medical Services, and programs for
107 severely emotionally disturbed children.

108
109 ~~The provisions of This subsection establishes section establish~~
110 ~~goals and not rights. Nothing in This subsection does not~~
111 ~~require section shall be interpreted as requiring~~ the delivery
112 of any particular service or level of service in excess of
113 existing appropriations. A No person does not shall have a cause
114 of action against the state or any of its subdivisions,
115 agencies, contractors, subcontractors, or agents, based upon the

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116 adoption of or failure to provide adequate funding for the
117 achievement of these goals by the Legislature. This subsection
118 does not ~~Nothing herein shall~~ require the expenditure of funds
119 to meet the goals established in this subsection ~~herein~~ except
120 those funds specifically appropriated for such purpose.

121 (2) The department shall operate with the understanding
122 that the rights of children in shelter or foster care are
123 critical to their safety, permanency, and well-being. The
124 department shall work with all stakeholders to help such
125 children become knowledgeable about their rights.

126 (3) (a) The case manager or other staff shall provide
127 verbal and written instructions to a child entering shelter or
128 foster care to educate the child on identifying and reporting
129 abuse, abandonment, or neglect. The verbal and written
130 instructions must use words and phrasing each child can
131 understand and must occur in a manner that is most effective for
132 each child. The written instructions are only required if the
133 child is of sufficient age and understanding to receive such
134 instructions. The case manager or other staff must give each
135 child the opportunity to ask questions about his or her rights
136 and how to identify and report abuse, abandonment, or neglect.
137 The case manager or other staff shall document in court reports
138 and case notes the date the information was provided to the
139 child. The case manager or other staff must review the
140 information with the child every 6 months and upon every

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141 placement change until the child leaves shelter or foster care.

142 (b) District school boards are authorized and encouraged
143 to establish educational programs for students ages 5 through 18
144 relating to the identification and reporting of abuse,
145 abandonment, or neglect and their effects on a child. The
146 district school boards may provide this program in conjunction
147 with the youth mental health awareness and assistance training
148 program required under s. 1012.584, any other mental health
149 education program offered by the school district, or any of the
150 educational instruction required under s. 1003.42(2).

151 Section 2. This act shall take effect July 1, 2021.

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155 **T I T L E A M E N D M E N T**

156 Remove everything before the enacting clause and insert:
157 An act relating to abuse, abandonment, or neglect
158 education; amending s. 39.4085, F.S.; revising legislative
159 intent; specifying goals for children in shelter or foster
160 care; providing responsibilities for case managers or other
161 appropriate staff; authorizing district school boards to
162 establish a specified educational programs for certain
163 persons; authorizing such programs to be provided in
164 conjunction with other programs; providing an effective
165 date.