



26 | explained to them when they are placed in the custody of the  
27 | department.

28 |       (b)~~(2)~~ To enjoy individual dignity, liberty, pursuit of  
29 | happiness, and the protection of their civil and legal rights as  
30 | persons in the custody of the state.

31 |       (c)~~(3)~~ To have their privacy protected, have their  
32 | personal belongings secure and transported with them, and,  
33 | unless otherwise ordered by the court, have uncensored  
34 | communication, including receiving and sending unopened  
35 | communications and having access to a telephone.

36 |       (d)~~(4)~~ To have personnel providing services who are  
37 | sufficiently qualified and experienced to assess the risk  
38 | children face before ~~prior to~~ removal from their homes and to  
39 | meet the needs of the children once they are in the custody of  
40 | the department.

41 |       (e)~~(5)~~ To remain in the custody of their parents or legal  
42 | custodians unless and until there has been a determination by a  
43 | qualified person exercising competent professional judgment that  
44 | removal is necessary to protect their physical, mental, or  
45 | emotional health or safety.

46 |       (f)~~(6)~~ To have a full risk, health, educational, medical,  
47 | and psychological screening and, if needed, assessment and  
48 | testing upon adjudication into foster care; and to have their  
49 | photograph and fingerprints included in their case management  
50 | file.

51        (g)~~(7)~~ To be referred to and receive services, including  
52 necessary medical, emotional, psychological, psychiatric, and  
53 educational evaluations and treatment, as soon as practicable  
54 after identification of the need for such services by the  
55 screening and assessment process.

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

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

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

64        (k)~~(11)~~ To be the subject of a plan developed by the  
65 counselor and the shelter or foster caregiver to deal with  
66 identified behaviors that may present a risk to the child or  
67 others.

68        (l)~~(12)~~ To be involved and incorporated, if ~~where~~  
69 appropriate, in the development of the case plan, to have a case  
70 plan which will address their specific needs, and to object to  
71 any of the provisions of the case plan.

72        (m)~~(13)~~ To receive meaningful case management and planning  
73 that will quickly return the child to his or her family or move  
74 the child on to other forms of permanency.

75        (n)~~(14)~~ To receive regular communication with a

76 caseworker, at least once a month, which shall include meeting  
77 with the child alone and conferring with the shelter or foster  
78 caregiver.

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

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

83 (q)~~(17)~~ To receive a free and appropriate education;  
84 minimal disruption to their education and retention in their  
85 home school, if appropriate; referral to the child study team;  
86 all special educational services, including, if ~~where~~  
87 appropriate, the appointment of a parent surrogate; and the  
88 sharing of all necessary information between the school board  
89 and the department, including information on attendance and  
90 educational progress.

91 (r)~~(18)~~ To be able to raise grievances with the department  
92 over the care they are receiving from their caregivers,  
93 caseworkers, or other service providers.

94 (s)~~(19)~~ To be heard by the court, if appropriate, at all  
95 review hearings.

96 (t)~~(20)~~ To have a guardian ad litem appointed to  
97 represent, within reason, their best interests and, if ~~where~~  
98 appropriate, an attorney ad litem appointed to represent their  
99 legal interests; the guardian ad litem and attorney ad litem  
100 shall have immediate and unlimited access to the children they

101 represent.

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

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

109 (w)~~(23)~~ To be afforded prompt access to all available  
 110 state and federal programs, including, but not limited to: Early  
 111 Periodic Screening, Diagnosis, and Testing (EPSDT) services,  
 112 developmental services programs, Medicare and supplemental  
 113 security income, Children's Medical Services, and programs for  
 114 severely emotionally disturbed children.

115  
 116 ~~The provisions of This subsection establishes section establish~~  
 117 ~~goals and not rights. Nothing in This subsection does not~~  
 118 ~~require section shall be interpreted as requiring~~ the delivery  
 119 of any particular service or level of service in excess of  
 120 existing appropriations. A ~~No~~ person does not ~~shall~~ have a cause  
 121 of action against the state or any of its subdivisions,  
 122 agencies, contractors, subcontractors, or agents, based upon the  
 123 adoption of or failure to provide adequate funding for the  
 124 achievement of these goals by the Legislature. This subsection  
 125 does not ~~Nothing herein shall~~ require the expenditure of funds

126 | to meet the goals established in this subsection ~~herein~~ except  
127 | those funds specifically appropriated for such purpose.

128 | (2) (a) The department's child welfare system shall operate  
129 | with the understanding that the rights of children in shelter or  
130 | foster care are critical to their safety, permanence, and well-  
131 | being and the system shall work with all stakeholders to help  
132 | such children become knowledgeable about their rights and  
133 | available resources. The rights of a child placed in shelter or  
134 | foster care include the right to be free from physical, sexual,  
135 | emotional, or other abuse, including corporal punishment;  
136 | neglect; or abandonment.

137 | (b) The department, community-based-care lead agency,  
138 | caseworker, or other appropriate agency staff shall provide  
139 | verbal and written instructions to a child entering shelter or  
140 | foster care to educate the child on the process for identifying  
141 | and reporting abuse, neglect, or abandonment. The verbal  
142 | instructions must be explained to the child in a manner he or  
143 | she can understand. Such verbal explanation must occur in a  
144 | manner that is the most effective for each child and must use  
145 | words and terminology that the child can understand. Written  
146 | instructions are only required to be provided to the child if he  
147 | or she is age appropriate as defined in s. 39.4091(2). Written  
148 | instructions must be written using words and terminology that  
149 | the child can understand and in a manner he or she can  
150 | understand.

151        (c) The department, community-based-care lead agency,  
152 caseworker, or other appropriate agency staff shall document in  
153 court reports and case notes the date he or she provided the  
154 information required in paragraph (b) to the child.

155        (d) The department, community-based-care lead agency,  
156 caseworker, or other appropriate agency staff must review the  
157 information required in paragraph (b) with the child every 6  
158 months until he or she leaves shelter or foster care and upon  
159 every change in placement. Each child must be given the  
160 opportunity to ask questions about his or her right to be free  
161 from abuse, neglect, or abandonment and the process for  
162 identifying and reporting abuse, neglect, or abandonment.

163        (e) District school boards are authorized and encouraged  
164 to establish an educational program for all instructional staff  
165 and students ages 5 through 18 relating to the process for  
166 identifying and reporting abuse, neglect, or abandonment and the  
167 effects of abuse, neglect, or abandonment on a child. The  
168 district school boards may provide this program in conjunction  
169 with the youth mental health awareness and assistance training  
170 program required under s. 1012.584, any other mental health  
171 education program offered by the school district, or any of the  
172 educational instruction required under s. 1003.42(2).

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