

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 80
INTRODUCER: Senator Brodeur
SUBJECT: Child Welfare
DATE: February 15, 2021 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Cox	CF	Pre-meeting
2.	_____	_____	JU	_____
3.	_____	_____	RC	_____

I. Summary:

SB 80 amends and creates a number of sections of law related to the child welfare system, which make substantial changes to the process of, in part, provisions related to placement decisions and transitions of children in out-of-home care, including specific provisions addressing such complex decisions involving young children and sibling groups.

The bill amends s. 39.522, F.S., adding requirements that must be considered by the court when determining whether a change of legal custody or placement is in the best interests of the child. The bill establishes that there is a rebuttable presumption in a hearing on a change in legal custody, that it is the child’s best interest to remain permanently in the same safe and stable placement in which the child has been living continuously for the past 6 months if specified circumstances are met. The bill provides that the presumption cannot be rebutted solely by the expressed wishes of a biological parent, a biological relative, or a caregiver of a sibling of the child. The bill requires the court to conduct an evidentiary hearing on the placement change where the rebuttable presumption applies. During the evidentiary hearing, the bill requires the court to consider competent and substantial evidence and testimony relevant to a placement determination including evidence from an independent expert on bonding and attachment.

The bill amends s. 39.523, F.S., providing legislative findings related to assessing placement decisions and specifies a placement priority for evaluating the most appropriate placement for a child who is placed into out-of-home care.

The bill also amends s. 39.523, F.S., renaming the current multidisciplinary team to “child and family teams” and specifies circumstances in which such team meetings must be held. The bill enumerates specified participants that must be included in the team meetings, which is similar to the participant list in current law related to the multidisciplinary team staffings. For the child and family teams, the bill also specifies that the participants for the teams include professionals, family members, and other individuals the family identifies as being a source of support. The bill

also requires the use of a skilled facilitator to lead the meetings. The team meetings are required to be structured to accomplish a stated goal that includes securing a child's safety and minimizing the trauma associated with separation from the child's family.

The bill requires the formation of a child and family team as soon as possible when the child is removed from the home. A child and family team must include collaboration with service providers to ensure that the appropriate services are well coordinated upon removal and placement in out-of-home care. The child and family team must conduct a supplemental assessment for children 3 years of age or younger. The bill provides that team participants must gather data and information on the child which is known at the time and requires all individuals who participate in the meeting to maintain the confidentiality of all information shared during the meeting.

The bill creates s. 39.5321, F.S., establishing specific provisions relating to placement and education transitions for children in out-of-home care. The bill provides legislative findings and a number of terms are defined, including:

- "Educational change";
- "Emergency situation";
- "Placement change"; and
- "School".

The bill requires an individualized transition plan be created and implemented each time a child changes placement and that such plan specify the reasons a child may be removed from a home after a caregiver accepts responsibility for the child. Community-based care lead agencies (lead agency) are required to provide necessary supportive services to prevent a disruption in placement. If a placement change must be made, the bill specifies requirements for transition planning when there is an emergency situation and in cases when there is no emergency situation.

The bill requires that caregivers be provided specified information related to the child before the child is placed and that the lead agency review with the caregiver the roles and responsibilities of being a caregiver. The bill provides additional factors to be considered for the transition of an infant or a child under school age.

The bill addresses transitions in education changes including requiring that every effort must be made to keep the child in his or her school of origin if it's in the child's best interest. If it is determined that remaining in the school or program of origin is not in the best interest of the child, the bill requires relevant factors that must be considered when selecting a new school is necessary.

The bill also creates s. 39.5232, F.S., establishing provisions to address placement decisions and transitions for children of sibling groups and providing that the placement decision must be in the best interest of each sibling. The bill provides legislative findings related to sibling relationships as well as definitions that apply to the provision related to the placement of siblings, including:

- "Child and family team";
- "Sibling".

The bill enumerates factors to consider when making placement decisions related to a child that does not have an existing relationship with a sibling or siblings. Additionally, the bill specifies additional factors that must be considered when placing a child who is younger than 3 years old who is part of a sibling group.

The bill requires a child and family team to be convened at the time a child is removed from the home to determine and assess the sibling relationships from the perspective of each child to ensure the best placement of each child in the sibling group. The bill requires that a mental health professional with expertise in sibling bonding be included in a child and family team meeting convened for the purpose of deciding the placement of a sibling group. Additionally, a child and family team must also be convened to monitor placement decisions of sibling groups in certain instances. The bill also requires that if it is determined that the child's placement should be changed for him or her to be placed with his or her siblings, the DCF and lead agency transition the child to the new home accordance with s. 39.5321, F.S., created in this bill.

The bill also addresses the need for siblings to have continued contact and visitation even if the sibling group is unable to be placed together and provides specified practices that must be considered to help maintain or strengthen relationships among separated siblings.

The bill creates s. 39.00146, F.S., requiring the creation and inclusion of a case record face sheet in the case record of every child under the supervision or in the custody of the DCF, its agents, or providers contracting with the DCF and specifies the information required to be included in the face sheet. Monthly updates of the face sheet are required by the bill.

The DCF estimates there will be a significant negative fiscal impact to state government and the private sector related to the need for additional FTEs related to specified staff required to implement the various provisions of the bill, including, in part, the child and family teams, transition plans. See Section V. Fiscal Impact Statement.

The bill is effective October 1, 2021.

II. Present Situation:

Central Abuse Hotline

The Department of Children and Families (DCF) operates the Florida central abuse hotline (hotline), which accepts reports 24 hours a day, seven days a week, of known or suspected child abuse, abandonment, or neglect.¹ Current law requires any person who knows or suspects that a child has been abused, abandoned, or neglected to report such knowledge or suspicion to the hotline.² A child protective investigation begins if the hotline determines the allegations meet the statutory definition of abuse, abandonment, or neglect.³ A child protective investigator

¹ Section 39.201(5), F.S.

² Section 39.201(a), F.S.

³ Section 39.201(2)(a), F.S.

investigates the situation either immediately or within 24 hours after the report is received, depending on the nature of the allegation.⁴

Dependency Case Process - Overview

If, after conducting an investigation in response to receiving a call to the hotline, the child protective investigator determines that the child is in need of protection and supervision that necessitates removal, the investigator may initiate formal proceedings to remove the child from his or her home. When the DCF removes a child from the home, a series of dependency court proceedings must occur before a child may be adjudicated dependent.⁵ The DCF must develop and refine a case plan⁶ throughout the dependency process with input from all parties to the child's dependency case.

The case plan details are required to be tailored to address the abuse, abandonment, or neglect that gave rise to the abuse report, any other issues which would support family preservation if appropriate, and services to address the child's needs that are identified during the child protective investigation and throughout the case.⁷ Case plan services must focus on clearly defined objectives with the intent of improving conditions in the home and facilitating the child's safe return to the home when reunification is an appropriate goal, ensuring proper care of the child, or advancing the child's permanent placement.⁸ If a court finds a child dependent, the judge reviews the case plan and orders the child's parent or parents to complete a case plan designed to address facts and circumstances upon which the court based the finding of dependency.⁹ Once the court approves a case plan, the dependency case continues with judicial review hearings, case plan reviews, custody or placement changes, and permanency planning. The goal is for the dependency court and all parties involved in the child's case to ensure the child remains safe.¹⁰

In determining the specific permanency goal for the child and whether requirements for its achievement have been met, or if other actions need to be taken to protect the child, the court considers information about the parent's behavior and other relevant details provided by parties to the case, such as through written reports submitted to the court and witness testimony at hearings. The dependency court process is summarized in the table below.¹¹

The Dependency Court Process

⁴ Section 39.201(5), F.S.

⁵ See s. 39.01(15), F.S., for the definition of "child who is found to be dependent".

⁶ Section 39.01(11), F.S., defines "case plan" to mean a document, as described in s. 39.6011, F.S., related to case plan development, prepared by the DCF with input from all parties. The case plan follows the child from the provision of voluntary services through any dependency, foster care, or termination of parental rights proceeding or related activity or process.

⁷ Sections 39.6011 and 39.6012, F.S.

⁸ Section 39.6012(1)(a), F.S.

⁹ Section 39.603, F.S.

¹⁰ Section 39.001(1)(a), F.S.

¹¹ For example, a social study report is submitted prior to judicial review hearings and it includes information on the child's placement, the child's safety in the placement, efforts of the parents to comply with case plan tasks, services provided to the foster family or legal custodian to address the child's needs, information on the visitation between the parent and child, and other information related to the child and the parent.

Dependency Proceeding	Description of Process	Controlling Statute
Removal	A child protective investigation determines the child's home is unsafe, and the child is removed.	s. 39.401, F.S.
Shelter Hearing	A shelter hearing occurs within 24 hours after removal. The judge determines whether to keep the child out-of-home.	s. 39.401, F.S.
Petition for Dependency	A petition for dependency occurs within 21 days of the shelter hearing. This petition seeks to find the child dependent.	s. 39.501, F.S.
Arraignment Hearing and Shelter Review	An arraignment and shelter review occurs within 28 days of the shelter hearing. This allows the parent to admit, deny, or consent to the allegations within the petition for dependency and allows the court to review any shelter placement.	s. 39.506, F.S.
Adjudicatory Trial	An adjudicatory trial is held within 30 days of arraignment. The judge determines whether a child is dependent during trial.	s. 39.507, F.S.
Disposition Hearing	If the child is found dependent, disposition occurs within 15 days of arraignment or 30 days of adjudication. The judge reviews the case plan and placement of the child. The judge orders the case plan for the family and the appropriate placement of the child.	s. 39.506, F.S. s. 39.521, F.S.
Postdisposition hearing	The court may change temporary placement at a postdisposition hearing any time after disposition but before the child is residing in the permanent placement approved at a permanency hearing.	s. 39.522, F.S.
Judicial Review Hearings	The court must review the case plan and placement every 6 months, or upon motion of a party.	s. 39.701, F.S.
Petition for Termination of Parental Rights	Once the child has been out-of-home for 12 months, if DCF determines that reunification is no longer a viable goal, termination of parental rights is in the best interest of the child, and other requirements are met, a petition for termination of parental rights is filed.	s. 39.802, F.S. s. 39.8055, F.S. s. 39.806, F.S. s. 39.810, F.S.
Advisory Hearing	This hearing is set as soon as possible after all parties have been served with the petition for termination of parental rights. The hearing allows the parent to admit, deny, or consent to the allegations within the petition for termination of parental rights.	s. 39.808, F.S.
Adjudicatory Hearing	An adjudicatory trial shall be set within 45 days after the advisory hearing. The judge determines whether to terminate parental rights to the child at this trial.	s. 39.809, F.S.

Detention or Shelter Determination of a Child

A shelter hearing is a proceeding in which a court determines whether probable cause exists to keep a child in a home other than the parent's or a facility pending further investigation of the

circumstances leading to the detention of a child.¹² The circumstances in which a child may be detained or taken into custody by the DCF are limited.

A hospital administrator or licensed health care professional may detain a child without parental consent if returning the child to the parent or caregiver presents an imminent danger to the child. If the child is detained, the medical provider must immediately notify the DCF. Upon receiving notification, the DCF must immediately notify the parents or legal custodians that their child is being detained and begin a child protective investigation.¹³

Alternatively, a law enforcement officer may take a child into custody, if probable cause exists that:

- The child has been abused, neglected, or abandoned, or suffers from or is in imminent danger of illness or injury due to abuse, neglect, or abandonment;
- The parent or legal custodian of the child has materially violated a condition of placement ordered by the court; or
- The child has no parent, legal custodian, or responsible adult relative immediately known and able to provide care.¹⁴

If a child is taken into custody, the attorney representing the DCF must request a hearing within 24 hours after the removal of the child.¹⁵ A child may not be held in a shelter for more than 24 hours unless a court orders the child to remain in the shelter after a shelter hearing.¹⁶

Case Plans

Section 39.6011, F.S., requires the DCF to prepare a case plan for each child receiving services. It must be developed in a face-to-face conference with the child's parent, any court-appointed Guardian ad Litem, and the child's temporary custodian and, if appropriate, the child.

Pursuant to s. 39.6011(2), F.S., each case plan must contain:

- If reunification is the primary goal, the problem being addressed, including the parent's behavior or acts resulting in risk to the child and the reason for the intervention by the DCF;
- The permanency goal;
- If concurrent planning is being used, a goal of reunification in addition to one of the remaining permanency goals provided in statute;
- The date the case plan compliance expires;¹⁷ and
- If reunification is the primary goal, a written notice to the parent that failure to substantially comply with the case plan may result in the termination of parental rights, and that a material

¹² See s.39.001(72), F.S.

¹³ Section 39.395, F.S.

¹⁴ Section 39.401(1)(b), F.S.

¹⁵ Section 39.401(3)(b), F.S.

¹⁶ Section 39.402(8)(a), F.S.

¹⁷ Section 39.6011(2)(d), F.S., further provides that the case plan must be limited to as short a period as possible for accomplishing its provisions. The plan's compliance period must expire no later than 12 months after the date the child is removed from the home, the child is adjudicated dependent, or the date the case plan is accepted by the court, whichever occurs first.

breach of the case plan may result in the filing of a petition for termination of parental rights sooner than the compliance period set forth in the case plan.

Additionally, s. 39.6011(11), F.S., requires the case plan to describe:

- The role of foster parents or legal custodians when developing the services for the child, foster parents, or legal custodians;
- The responsibility of the parents and caregivers to work together when it is safe to do so;
- The responsibility of the case manager to forward a relative's request to receive notification of all proceedings and hearings;
- The minimum number of face-to-face meetings to be held each month between the parents and DCF to review the progress of the case plan, to eliminate barriers to progress, and to resolve conflicts or disagreements; and
- The parent's responsibility for financial support of the child.

All parties must sign the case plan, including the child, unless the child is not of an age or capacity to participate in the case-planning process. Signing the case plan acknowledges that individuals have participated in developing the terms and conditions.¹⁸

During FY 2018-19, the court ordered a case plan at disposition for 9,186 children.¹⁹ However, before the court can order parents to comply with the case plan, the DCF is required to file the case plan with the court and serve a copy on all of the specified parties.²⁰ Currently, there is a conflict in law when the DCF must perform these tasks.

Section 39.521(1)(a), F.S., which governs disposition hearings, requires the DCF to file the case plan with the court and serve a copy on the parties:

- Not less than 72 hours before the disposition hearing, if the disposition hearing occurs on or after the 60th day after the date the child was placed in out-of-home care.
- Not less than 72 hours before the case plan acceptance hearing, if the disposition hearing occurs before the 60th after the date the child was placed in out-of-home care and a case plan has not been submitted, or if the court does not approve the case plan at the disposition hearing. The case plan acceptance hearing must occur within 30 days after the disposition hearing for the court to review and approve the case plan.

However, s. 39.6011(7), F.S., governing case plans, requires the DCF to file the case plan with the court and provide copies to all parties not less than three business days before the disposition hearing, regardless of when the disposition hearing is held.

Hearings on Arraignment and Adjudication of Dependency

The purpose of an arraignment hearing is for a parent to admit, deny, or consent to findings of dependency that are alleged in the petition for dependency.²¹ Within 28 days after a child has

¹⁸ Section 39.6011(3), F.S.

¹⁹ The DCF, *Agency Bill Analysis for Senate Bill 1548* (2020), p. 8 (Jan. 23, 2020) (on file with the Senate Children, Families, and Elder Affairs Committee).

²⁰ Section 39.6011(7)(c)3., F.S., states that all case plans must be filed with the court, and a copy provided to all parties whose whereabouts are known, not less than 3 business days before the disposition hearing.

²¹ Section 39.506(1), F.S.

been sheltered, the court must hold an arraignment hearing on the petition for dependency.²² If a parent or legal guardian denies an allegation in the petition, the court must hold an adjudicatory hearing within 30 days.²³ If the court finds the child dependent at the adjudicatory hearing and the child is placed in out-of-home care, the court must first consider placement of the child with relatives.²⁴ If a child cannot remain safely in the original home and no adult relative is available for temporary, legal custody, the state may place the child with an adult willing to care for the child under the protective supervision of the DCF.²⁵ Placement of the child to the temporary, legal custody of the DCF invests the DCF with the rights and responsibilities of a legal custodian.²⁶

Disposition Hearing

A court must hold a disposition hearing after any of the following:

- The court enters an adjudication of dependency;
- The parents or legal custodian consent to the finding of dependency or admit the allegations in the petition; or
- The parents or legal custodians have failed to appear at the arraignment hearing after being properly noticed, or are unable to be found despite a diligent search.²⁷

The purpose of the disposition hearing is to determine a course of treatment and services and placement of the child under protective supervision.²⁸ After the disposition hearing, the court may hold a postdisposition hearing to change the temporary legal custody or conditions of protective supervision.²⁹ In determining whether to order a change in custody, the court must base its decision on the best interest of the child. As a factor of the best interest standard, the court must consider the continuity of the child's placement in the same out-of-home residence.³⁰

Hearing on a Termination of Parental Rights

If an attorney for the DCF decides that a termination of parental rights is appropriate, the DCF must allege in a petition for a termination of parental rights one of the following grounds:

- The parent or parents voluntarily executed a written surrender of the child to the DCF for adoption;
- The parent or parents have abandoned the child;
- The parent or parents through their conduct demonstrate that continuing involvement threatens the child's life, safety, or well-being irrespective of the provision of services;
- The parent's status of incarceration is harmful to the child based on the length of time the parent is expected to be unavailable to the child or the nature of the criminal history of the parent;

²² If any party has requested a demand for early filing, the court must hold the arraignment hearing within 7 days after the date of filing of the petition Section 39.506(1), F.S.

²³ Section 39.506(1), F.S.

²⁴ Section 39.507(7)(c), F.S.

²⁵ Section 39.521(3)(c), F.S.

²⁶ Section 39.521(3)(d), F.S.

²⁷ Section 39.521(1), F.S.

²⁸ Section 39.521(1)(b), F.S.

²⁹ Section 39.522, F.S.

³⁰ Section 39.522(1), F.S.

- The parent or parents have failed to substantially comply with a case plan;
- The parent or parents have engaged in egregious conduct that threatens the child's life, safety, or well-being, such as subjecting the child to sexual abuse;
- The parent or parents have committed certain criminal acts, including having to register as a sexual predator;
- The parental rights of a parent of a sibling have been terminated involuntarily;
- The parent or parents have an extensive history of unsuccessfully treated substance abuse; including exposing the child in utero to a controlled substance or alcohol; or
- The child was conceived as a result of sexual battery by the parent.³¹

The DCF must file a petition to terminate parental rights within 60 days after the following:

- The child is not returned to the physical custody of the parents within 12 months after the child was sheltered or adjudicated dependent, whichever is first;
- A petition for termination of parental rights has not otherwise been filed, and the child has been in out-of-home care in the responsibility of the state for 12 of the most recent 22 months;
- A parent has been convicted of the murder, manslaughter, aiding or abetting the murder, or conspiracy or solicitation to murder the other parent or another child of the parent, or a felony battery that resulted in serious bodily injury to the child or another child of the parent; or
- A court determines that reasonable efforts to reunify the child and parent are not required.³²

Postdisposition Change of Custody

Currently, the court may change the temporary legal custody or the conditions of protective supervision at a postdisposition hearing when a child is already under the jurisdiction of the court, without the necessity of another adjudicatory hearing.

At any time before a child is residing in the permanent placement approved at the permanency hearing, a motion alleging a need for a change in the conditions of protective supervision or the placement may be filed by the department or by any other interested person in the case of a child who has been placed in:

- The child's own home under the protective supervision of an authorized agent of the department;
- The home of a relative;
- The home of a legal custodian; or
- Some other place.³³

³¹ Section 39.806(1), F.S.

³² Section 39.8055(1), F.S. Exceptions to the requirement to file a termination of parental rights include the following: the child is being cared for by a qualifying relative or that the DCF provides a compelling reason that filing such a petition is not in the best interests of the child. Compelling reasons include that: adoption is not the appropriate permanency goal for the child; no grounds to file a petition to terminate parental rights exist; the child is an unaccompanied refugee minor; international legal obligations or compelling foreign-policy reasons preclude terminating parental rights; or the department has not provided to the family, consistent with the time period in the case plan, services that the department deems necessary for the safe return of the child to the home. Section 39.8055(2), F.S.

³³ Section 39.522(1)(a), F.S.

If the parents or other legal custodians deny the need for a change, the court shall hear all parties in person or by counsel, or both. Upon the admission of a need for a change or after the hearing, the court must enter an order changing the placement, modifying the conditions of protective supervision, or continuing the conditions of protective supervision as ordered.³⁴

The standard for changing custody of the child must be the best interests of the child.³⁵ In making a determination whether a change of legal custody or placement is in the best interests of the child, the court must consider:

- The child’s age.
- The physical, mental, and emotional health benefits to the child by remaining in his or her current placement or moving to the proposed placement.
- The stability and longevity of the child’s current placement.
- The established bonded relationship between the child and the current or proposed caregiver.
- The reasonable preference of the child, if the court has found that the child is of sufficient intelligence, understanding, and experience to express a preference.
- The recommendation of the child’s current caregiver.
- The recommendation of the child’s guardian ad litem, if one has been appointed.
- The child’s previous and current relationship with a sibling, if the change of legal custody or placement will separate or reunite siblings.
- The likelihood of the child attaining permanency in the current or proposed placement.
- Any other relevant factors.³⁶

If the child is not placed in foster care, the new placement for the child must meet the home study criteria and court approval under this chapter.³⁷

When the issue before the court is whether a child should be reunited with a parent, the court is required to review the conditions for return and determine whether the circumstances that caused the out-of-home placement and issues subsequently identified have been remedied to the extent that the return of the child to the home with an in-home safety plan prepared or approved by the DCF will not be detrimental to the child’s safety, well-being, and physical, mental, and emotional health.³⁸

When the issue before the court is whether a child who is placed in the custody of a parent should be reunited with the other parent, upon a finding that the circumstances that caused the out-of-home placement and issues subsequently identified have been remedied to the extent that the return of the child to the home of the other parent with an in-home safety plan prepared or

³⁴ *Id.*

³⁵ United Nations, Office of the High Commissioner for Human Rights, Convention on the Rights of the Child, available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> (last visited February 2, 2021). The term “best interests” or “best interests of the child” is a child rights principle, which derives from Article 3 of the UN Convention on the Rights of the Child, which says that all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. The Convention on the Rights of the Child is the most rapidly and widely ratified human rights treaty in history—with 196 countries as “states parties.” The United States is the only country that has not ratified the Convention.

³⁶ Section 39.522(1)(a), F.S.

³⁷ Section 39.522(1)(b), F.S.

³⁸ Section 39.522(2), F.S.

approved by the department will not be detrimental to the child, the standard shall be that the safety, well-being, and physical, mental, and emotional health of the child would not be endangered by reunification and that reunification would be in the best interest of the child.³⁹

When the issue before the court is whether to place a child in out-of-home care after the child was placed in the child's own home with an in-home safety plan or the child was reunified with a parent or caregiver with an in-home safety plan, the court must consider, at a minimum, the following factors in making its determination whether to place the child in out-of-home care:

- The circumstances that caused the child's dependency and other subsequently identified issues.
- The length of time the child has been placed in the home with an in-home safety plan.
- The parent's or caregiver's current level of protective capacities.
- The level of increase, if any, in the parent's or caregiver's protective capacities since the child's placement in the home based on the length of time the child has been placed in the home.⁴⁰

In addition, the court is required to evaluate the child's permanency goal and change the permanency goal as needed if doing so would be in the best interests of the child. If the court changes the permanency goal, the case plan must be amended pursuant to s. 39.6013(5), F.S.⁴¹

Placement in Out-of-Home Care

In 2001⁴² and 2002⁴³, the Legislature expanded the ability of community-based care lead agencies to place children in residential group care until additional foster homes could be recruited. Further, in 2017, the Legislature recognized that the federal law had changed to require that:

- A child must be placed in the least restrictive, most family-like setting available in close proximity to the home of his or her parents;
- The placement must meet the needs of the child; and
- A child must be placed in a permanent home in a timely manner.⁴⁴

At the same time, research was showing an association between frequent placement disruptions and outcomes that are adverse to the child, including poor academic performance and social or emotional adjustment difficulties such as aggression, withdrawal, and poor social interaction with peers and teachers. Despite this evidence, child welfare systems made limited efforts to intervene and reduce placement instability as a mechanism for improving outcomes for children.⁴⁵ Mismatching placements to children's needs has been identified as a factor that

³⁹ Section 39.522(3), F.S.

⁴⁰ Section 39.522(4), F.S.

⁴¹ Section 39.522, F.S.

⁴² Chapter 2001-68, ss. 3, 5, and 6, L.O.F. (creating s.39.521(5), F.S., and creating ss. 409.1676 and 409.1677, F.S., effective July 1, 2001).

⁴³ Chapter 2002-219, ss. 1, 2, 3, and 5, L.O.F. (repealing s.39.521(5), F.S., creating s. 39.523, F.S., amending s. 39.407(5), F.S., and amending s. 409.1676, effective July 1, 2002).

⁴⁴ See Adoption Assistance and Child Welfare Act of 1980; Pub.L. 96-272.

⁴⁵ Noonan, K. and Rubin, D., et al., The Children's Hospital of Philadelphia Research Institute, *Securing Child Safety, Well-being, and Permanency Through Placement Stability in Foster Care*, Fall 2009, available at

negatively impacts placement stability. Identifying the right placement requires effective assessment.⁴⁶

As a result, currently, the law provides that when any child is removed from a home and placed into out-of-home care, a comprehensive placement assessment process must be completed to determine the level of care needed by the child, and match the child with the most appropriate placement.⁴⁷ The community-based care lead agency or subcontracted agency must coordinate a multidisciplinary team staffing with any individual who is available to attend the staffing and is currently involved with the child including, but not limited to, a representative from the department and the case manager for the child; a therapist, attorney ad litem, guardian ad litem, teachers, coaches, Children's Medical Services; and other community providers of services to the child or stakeholders as applicable.⁴⁸ The team may also include clergy, relatives, and fictive kin if appropriate.⁴⁹ Team participants must gather and consider data and information on the child which is known at the time of the staffing, including, but not limited to:

- Mental, medical, behavioral health, and medication history.
- Community ties and school placement.
- Current placement decisions relating to any siblings.
- Alleged type of abuse or neglect including sexual abuse and trafficking history.
- The child's age, maturity, strengths, hobbies or activities, and the child's preference for placement.⁵⁰
- The most appropriate available out-of-home placement shall be chosen after consideration by all members of the multidisciplinary team of all of the information and data gathered, including the results and recommendations of any evaluations conducted.⁵¹ Placement decisions for each child in out-of-home placement must be reviewed as often as necessary to ensure permanency for that child and to address special issues related to this population of children.⁵²
- The DCF, a sheriff's office acting under s. 39.3065, F.S., a community-based care lead agency, or a case management organization must document all placement assessments and placement decisions in the Florida Safe Families Network.⁵³
- If it is determined during the comprehensive placement assessment process that residential treatment as defined in s. 39.407, F.S., would be suitable for the child, the procedures in that section must be followed.⁵⁴

https://policylab.chop.edu/sites/default/files/pdf/publications/PolicyLab_EtoA_CSAW_Fall_2009.pdf (last visited February 14, 2021).

⁴⁶ Teija Sudol, *Placement Stability Information Packet*, National Resource Center for Permanency and Family Connections, December 2009, available at http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/Placement_Stability_Info_Pack.htm (last visited February 14, 2021).

⁴⁷ Section 39.523(2), F.S.

⁴⁸ Section 39.523(2)(a), F.S.

⁴⁹ *Id.*

⁵⁰ *Id.* The comprehensive placement assessment process may also include the use of an assessment instrument or tool that is best suited for the individual child.

⁵¹ Section 39.523(2)(c), F.S.

⁵² Section 39.523(2)(d), F.S.

⁵³ Section 39.523(2)(e), F.S.

⁵⁴ Section 39.523(2)(f), F.S.

At each judicial review required under s. 39.701, F.S., the court is required to consider the results of the assessment, the placement decision made for the child, and services provided to the child.

Multidisciplinary Teams

The use of a multidisciplinary team in child welfare settings is a concept that has been an established practice for over the past 60 years through the use of hospital-based child protection teams⁵⁵ and, more recently, child advocacy centers.⁵⁶ Because of the complex nature of child abuse and neglect investigations and family assessments and interventions, multidisciplinary teams are often used to enhance and improve investigations and responses necessary for children and families to recover and succeed. Multidisciplinary teams are becoming more widely used today to include a variety of individuals, both professional and non-professional, that interact and coordinate their efforts to plan for children and families receiving child welfare services. Multidisciplinary teams may also be referred to as an "interdisciplinary team," or a "case consultation team."⁵⁷

Multidisciplinary teams can help eliminate, or at least reduce, many barriers to effective action, including a lack of understanding by the members of one profession of the objectives, standards, conceptual bases, and ethics of the others; lack of effective communication; confusion over roles and responsibilities; interagency competition; mutual distrust; and institutional relationships which limit interprofessional contact.⁵⁸

Research suggests that services for children and families are most effective when delivered in the context of a single, integrated team that includes the child or youth, his or her family, natural and community supports, and professionals.⁵⁹ As a result, a number of states⁶⁰ are using a multidisciplinary team model known as a "Child and Family Team" that is key to the well-being of children and families served by child welfare agencies and their partners. This model is premised on the notion that children and families have the capacity to resolve their problems if given sufficient support and resources to help them do so.⁶¹

⁵⁵ The Kempe Foundation, *Child Protection Team Celebrates 60 Years*, available at <http://www.kempe.org/child-protection-team-celebrates-60-years/> (last visited February 14, 2021).

⁵⁶ The National Children's Alliance, *History of NCA*, available at <https://www.nationalchildrensalliance.org/history-of-nca/#:~:text=The%20history%20of%20National%20Children's,system%20to%20help%20abused%20children> (last visited February 14, 2021).

⁵⁷ The Child Welfare Information Gateway, *Multidisciplinary Teams*, available at <https://www.childwelfare.gov/topics/responding/iaa/investigation/multidisciplinary/> (last visited February 14, 2021).

⁵⁸ National Center on Child Abuse and Neglect, U.S. Children's Bureau, Administration for Children, Youth and Families, Office of Human Development Services, U.S. Department of Health, Education, and Welfare, *Multidisciplinary Teams In Child Abuse And Neglect Programs*, 1978., available at <https://www.ojp.gov/pdffiles1/Digitization/51625NCJRS.pdf> (last visited February 14, 2021).

⁵⁹ California Department of Social Services, *About Child and Family Teams*, available at <https://www.cdss.ca.gov/inforesources/foster-care/child-and-family-teams/about> (last visited February 14, 2021).

⁶⁰ See Clark County Department of Family Services, *Child and Family Team Meetings Nevada Case Planning and Assessment Policies*, available at https://www.childwelfare.gov/pubPDFs/NV_CaseManagementTrainingFacilitator.pdf; State of Tennessee Department of Children's Services, *Administrative Policies and Procedures: 31.7*, available at <https://files.dcs.tn.gov/policies/chap31/31.7.pdf>; Indiana Department of Child Services, *Child Welfare Policy*, January 1, 2020, available at <https://www.in.gov/dcs/files/5.07%20Child%20and%20Family%20Team%20Meetings.pdf> (all sites last visited February 14, 2021).

⁶¹ California Department of Social Services, *About Child and Family Teams*, available at <https://www.cdss.ca.gov/inforesources/foster-care/child-and-family-teams/about> (last visited February 14, 2021).

In California, for example, the process begins when a child enters out-of-home, and a child welfare social worker engages with a child and his or her family, and then uses a variety of strategies to identify other team members and factors to develop a plan to help achieve positive outcomes for a child's safety, permanency, and well-being.⁶² This strengths-based approach to child welfare recognizes that families are experts in their own lives, and they can achieve success when they have an active role in creating and implementing solutions.⁶³

Currently, Florida law provides for the use of multidisciplinary teams in a number of circumstances, including, in part:

- Child Protection Teams under s. 39.303, F.S.;
- Child advocacy center multidisciplinary case review teams under s. 39.3035, F.S.;
- Multidisciplinary team staffing's under s. 39.523, F.S.; and
- Multidisciplinary staffings under ss. 39.524 and 409.1754, F.S.

Additionally, the DCF reports that it or lead agencies currently coordinate multidisciplinary meetings for a number of purposes, including, in part:

- Adoption related staffings;
- Baker Act staffings;
- Case plan conferences;
- Case staffings;
- Case transfer staffings;
- Close the loop staffings;
- Comprehensive Medical Assessment Team staffings;
- Comprehensive Placement Assessment Team staffings;
- Human Trafficking staffings;
- The Department of Juvenile Justice staffings;
- High risk staffing or critical case staffings;
- Independent living staffings;
- Institutional staffings;
- Legal, medical, or mental health staffings;
- New child staffings;
- Permanency staffing;
- Safety management staffing;
- Separated sibling staffings;
- Service staffings; and
- Transfer staffings.⁶⁴

⁶² *Id.*

⁶³ *Id.*

⁶⁴ The DCF, Electronic mail from John Paul Fiore, Legislative Specialist, *RE: Follow up on data request from last week*, February 12, 2021 (on file with the Senate Committee on Children, Families, and Elder Affairs) (noting several other meetings and conferences that are held for other purposes throughout dependency cases) (hereinafter cited as "The DCF Supplemental Information").

Transitions

Placement Transitions

Transition planning and practice should apply to any move of any child from one caregiver to another caregiver, including to or from a biological parent, when possible. It is important to minimize the number of out-of-home care placements in every child's case however, in some situations, a change in out-of-home care placement might be considered necessary.⁶⁵

Once the child establishes a bond with a caregiver who becomes the psychological parent, transition planning from one caregiver's home to another must be as emotionally protective as possible.⁶⁶ Poorly executed or improperly timed transitions may adversely affect a child's healthy development and capacity to attach to others.⁶⁷

Any change in primary caregiver may be very traumatic which can be minimized by implementing a caring transition. Visitation with a future caregiver does not establish the same bond that develops when a child bonds with a caregiver who provides day-to-day care, including visitation with a biological parent relative who has been visiting consistently and appropriately, which suggests there will inevitably be trauma when the child is moved to a different day-to-day caregiver when the child has formed an attachment to a current caregiver.⁶⁸

Transition planning and visiting must be tailored to the individual child's circumstances and consideration must be given to certain factors such as the child's age and attachment to his or her current caregiver. Special consideration should be given to transitioning infants and toddlers who are removed from their placement given they may lack verbal skills or developmental ability and maturity to understand what is happening to them.⁶⁹

Infants and toddlers who are removed from their home and placed in out-of-home care need special consideration and guidance through the grieving process, in their relationships, and through transitions from one caregiver to another. Because they may be non-verbal or lack the developmental ability and maturity to understand what is happening to them, let alone articulate it, their feelings are easily overlooked or misinterpreted. Young children in out-of-home care suffer the same grief and loss and doubts that older children do, without the ability to express what the child is feeling.⁷⁰

Current law addresses out-of-home care transitions and educational stability in a number of circumstances, including, but not limited to:

⁶⁵ Advokids, *Transition Planning*, available at: <https://advokids.org/childhood-mental-health/transitions/>, (last visited February 14, 2021).

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ Advokids, *Transition Planning*, available at: <https://advokids.org/childhood-mental-health/transitions/>, (last visited February 14, 2021).

⁶⁹ Child Advocates, *Smooth Transitions for Young Children in Foster Care*, available at: <https://www.childadvocates.net/smooth-transitions-young-children-foster-care/>, (last visited February 14, 2021).

⁷⁰ Child Advocates, *Smooth Transitions for Young Children in Foster Care*, available at: <https://www.childadvocates.net/smooth-transitions-young-children-foster-care/>, (last visited February 14, 2021).

- Section 39.6035(1), F.S., requires, within 180 days after a child reaches 17 years old, the DCF and lead agency to collaborate with the caregiver and other individuals identified by the child to assist the child with developing a transition plan to prepare for when the child ages out of care.⁷¹
- Section 39.604(5), F.S., provides for transition plans when it is not in a child's best interest to remain in the child care or early education setting that he or she attended prior to being placed into out-of-home care and requires the caregiver to collaborate with specified individuals to determine the best setting for the child.
- Section 39.701(3)(d), F.S., which provides at the last review hearing before the child reaches 18 years of age, the court must:
 - Address whether the child plans to remain in foster care, and, if so, ensure that the child's transition plan includes a plan for meeting one or more of the criteria specified in s. 39.6251, F.S.;
 - Ensure that the transition plan includes a supervised living arrangement under s. 39.6251, F.S.;
 - Ensure the child has been informed of the:
 - Right to continued support and services from the DCF and the lead agency;
 - Right to request termination of dependency jurisdiction and be discharged from foster care;
 - Opportunity to reenter foster care pursuant to s. 39.6251, F.S.;
 - Ensure that the young adult, if he or she requests termination of dependency jurisdiction and discharge from foster care, has been informed of:
 - Services or benefits for which the young adult may be eligible based on his or her former placement in foster care;
 - Services or benefits that may be lost through termination of dependency jurisdiction;
 - Other federal, state, local, or community-based services or supports available to him or her.

Florida rules require two weeks' notice prior to a change of placement except in emergency situation, and requires a transition plan to a new placement if the child's current placement is unable to be stabilized and is not in the child's best interest.⁷² The DCF also has operating procedures for transition planning for youth to ensure that children develop necessary life skills and to prepare children to transition to adulthood.⁷³

Education transitions

State and federal law contain requirements that must be adhered to in order to ensure educational stability for a child in out-of-home care. A child's educational setting should only be changed when maintaining the educational setting is not in the best interest of the child.

⁷¹ Section 39.6035(1), F.S. The plan must address housing, health insurance, education, and workforce support and employment services.

⁷² Rule 65C-28.005, F.A.C.

⁷³ The DCF, *CFOP 170-17 Transitioning Youth and Young Adult*, ch. 2, July 29, 2019, available at <https://myflfamilies.com/admin/publications/cfops/CFOP%20170-xx%20Child%20Welfare/CFOP%20170-17%20Services%20for%20Transitioning%20Youth%20and%20Young%20Adults/CFOP%20170-17.%20%20Chapter%2002.%20Transition%20Planning%20for%20Youth.pdf> (last visited February 14, 2021).

The Every Student Succeeds Act (ESSA) (P.L. 114-95) was signed into law on December 10, 2015, as Public Law 114-95 (PDF - 895 KB). ESSA reauthorized the Elementary and Secondary Education Act and includes new provisions that promote educational stability for children in foster care so they can continue their education without disruption, maintain important relationships, and have the opportunity to achieve college and career readiness. The law also emphasizes the importance of collaboration and joint decision-making between child welfare agencies and educational agencies.

The Fostering Connections Act is a federal child welfare law that places requirements on child welfare agencies to work with schools to support the education needs of children in foster care. Since its passage in 2008, the Fostering Connections Act has brought much-needed attention to the critical importance of education stability for children in foster care.

Placement of Siblings

An important consideration in the placement of children into out-of-home care involves the placement of sibling groups. Children may experience anxiety or pain when they are separated from their siblings. However, child welfare agencies of event experience a number of obstacles in trying to place siblings together when they enter out of home care including, in part:

- Children in sibling groups often have diverse and special needs some of whom may require one-on-one attention;
- Foster and adoptive parents are often unwilling to take in sibling groups;
- Resources to find and maintain placements for sibling groups are often challenged by agencies with excessive caseloads and limited resources; and
- Children may enter care through different agencies, possibly in different jurisdictions.

There is limited research on the importance of the sibling bond which has only recently been accepted by research scientists and policymakers that has sparked a flurry of attention to research, policy making, litigation, and development of innovative programs.

Child Welfare Information Gateway assist the Children's Bureau with ensuring that states comply with federal requirements. The agency reports two permanency outcomes that are examined in relation to siblings, including:

- Item 7: Placement With Siblings: To determine whether concerted efforts were made to ensure that siblings in foster care are placed together unless a separation was necessary to meet the needs of one of the siblings.
- Item 8: Visiting With Parents and Siblings in Foster Care: To determine whether concerted efforts were made to ensure that visitation between a child in foster care and his or her mother, father, and siblings is of sufficient frequency and quality to promote continuity in the child's relationship with these close family members.

Child welfare laws have evolved in many states to address this issue. Federal law makes funding contingent on complying with the law, which requires:

- Reasonable efforts to place siblings together in out of home care unless the state documents that it would be contrary to their safety or well-being; and
- Frequent visitation if they are not placed together, unless the state documents that it would be contrary to the children's safety or well-being.

Over 50 percent of the U.S. states now have passed legislation to address sibling relationships. Most state policies conform to federal law and require, at a minimum, consideration of siblings in placement and permanency planning decisions as well as efforts for maintaining sibling contact when children are placed separately.

Florida law currently addresses sibling placement and visitation in a number of sections of statute, but there is no single consolidated section specifically dealing with sibling related issues.

- Section 409.996(b), F.S., requires that the DCF and each lead agency to monitor and document any reasons that siblings are not placed together in out-of-home care. Sibling placement information must be incorporated into the results-oriented accountability system required under s. 409.997, F.S., and into the evaluation of the outcome specified in s. 409.986(2)(e), F.S., and made available to the institute established under s. 1004.615, F.S., for use in assessing the performance of child welfare services in relation to the outcome specified in s. 409.986(2)(e), F.S.
- Section 39.522(1)(a)8., F.S., the court is required, when determining whether a change of placement is in the best interests of the child, to consider the child's previous and current relationship with a sibling, if the change of legal custody or placement will separate or reunite siblings.
- Section 39.6012(3)(b), F.S., requires that the case plan include a description of the parent's visitation rights and obligations and the plan for sibling visitation if the child has siblings with whom he or she is separated.

Case Record Face Sheet

A case record face sheet is generally defined as any cover sheet to a multipage document that contains the relevant points covered in the document itself. They are commonly used in the medical or healthcare arenas and typically provides a patient's information at a quick glance. Face sheets can include contact details, a brief medical history and the patient's level of functioning, along with patient preferences and wishes.⁷⁴

A number of states also use similar face sheets to record pertinent information about a child welfare case, including most notably Iowa and Illinois.⁷⁵

Currently, Florida law does not require a face sheet to be included in the case file for child welfare cases.

⁷⁴ Caring.com, *What is a Face Sheet*, available at <https://www.caring.com/articles/what-is-a-face-sheet/>; the Medical Dictionary, available at: <https://medical-dictionary.thefreedictionary.com/face+sheet> (all sites last visited February 14, 2021).

⁷⁵ Iowa Department of Human Services, *Child Welfare Services Referral Face Sheet*, available at <https://dhs.iowa.gov/sites/default/files/470-5150.pdf?102920201415>; State of Illinois, Department of Children and Family Service, *Help Unit Face Sheet*, available at https://www2.illinois.gov/dcfs/aboutus/notices/Documents/cfs399_2.pdf#search=face%20sheet (all sites last visited February 14, 2021).

Rebuttable Presumptions

A rebuttable presumption is defined as meaning it is a legal assumption the court is required to make if certain facts are established and no contradictory evidence is produced. There are rebuttable presumptions found in Florida law. Currently, two sections under ch. 39, F.S., create rebuttable presumptions, including:

- Section 39.0139, F.S., relating to visitation and contact with children who have been sexually abused, provides for the creation of a rebuttable presumption of detriment to a child when specified conditions are met.
- Section 39.203, F.S., relating to immunity from liability in cases of child abuse, abandonment or neglect, provides a rebuttable presumption that specified actions are retaliatory if the specified actions are committed within a prescribed period of time against a person who reports child abuse, abandonment, or neglect under ch. 39, F.S.

III. Effect of Proposed Changes:

Postdisposition Change of Custody

The bill provides that if any party or the current caregiver denies the need for a change in the conditions of protective supervision or a child's placement, the court must hear all parties in person or by counsel, or both. The bill also provides for additional factors to be considered by the court when making a determination of whether a change of legal custody or placement is in the best interest of the child, including, the following:

- The likelihood that the child will have to change schools or day care placement, the impact of such a change, and the parties' recommendations as to the timing of the change.
- The disruption of continuity of care with medical, mental health, dental, or other treatment services the child is receiving at the time of the change of custody decision.
- The impact on activities that are important to the child, including the ability of the child to continue in such activities.
- The impact on the child's future access to education, Medicaid, and independent living benefits.
- The recommendations of the child and family team that developed a transition plan that is child-centered and created in accordance with s. 39.523, F.S.

The bill also provides that when a hearing on a change of legal custody is conducted under s. 39.522, F.S., there shall be a rebuttable presumption that it is in the child's best interest to remain permanently in the same safe and stable placement in which the child has been living continuously for the past 6 months if the court finds that:

- Reunification is not a permanency option for the child;
- The child has resided in the same out-of-home placement for more than 6 months; and
- The custodian of the child in the out-of-home placement requests and is eligible for consideration as an adoptive parent or a permanent custodian for the child.

The bill provides that the presumption may not be rebutted solely by the expressed wishes of a biological parent, a biological relative, or a caregiver of a sibling of the child. Further, the bill provides that, in order to rebut the presumption, the court is required to:

- Hold an evidentiary hearing;

- Grant party status to the current caregiver who is seeking permanent custody and has maintained custody of that child for at least 6 continuous months;
- Appoint a lawyer to represent the current caregiver;
- Appoint a lawyer for the child that is the subject of the permanent custody proceeding; and
- Consider competent and substantial evidence and testimony related to the factors enumerated in s. 39.522, F.S., and any other evidence deemed relevant to a determination of placement, including evidence from a court-selected neutral and independent expert in the science and research of child-parent bonding and attachment.

Placement in Out-of-Home Care

The bill amends s. 39.523, F.S., providing that when a child cannot safely remain at home with a parent, out-of-home placement options must be considered in the following order:

- Relative caregiver.
- Non-relative caregivers with a close relationship to the child.
- Licensed foster care.
- Group or congregate care.

Further, the bill requires that sibling groups must be placed in the same placement whenever possible and if placement together is in the best interest of each of the children and be made pursuant to s. 39.5232, F.S.

Child and Family Teams

The bill amends s. 39.523, F.S., modifying the current reference to multidisciplinary teams to be known as child and family teams and expanding the provisions related to such teams. The bill provides additional legislative intent related to effective assessments for children under three years of age and the evidence for the use of child and family teams, including, the following findings:

- The Legislature finds that effective assessment is particularly important for young children who are 3 years of age or younger as evidenced by research on the science of attachment and brain development. Such research shows that a stable and nurturing relationship in the first years of life, as well as the quality of such relationships, shape a person's brain development, provide a foundation for lifelong mental health, and determine well-being as an adult.
- The Legislature also finds that there is an increasing body of evidence showing that services for children and families are most effective when delivered in the context of a single, integrated child and family team that includes the child, his or her family, natural and community supports, and professionals who join together to empower, motivate, and strengthen a family and collaboratively develop a plan of care and protection to achieve child safety, child permanency, and child and family well-being.

Specifically, the bill provides that the child and family meetings must be held when an important decision has to be made about the child's life and that the purpose of the child and family team meetings is to allow better engagement with families and a shared commitment and accountability from the family and their circle of support. The bill also provides that the effective team processes utilized in child and family teams support and encourage family members to invite the participation of individuals who are part of the family's own network of informal

support to collaborate with formal professionals who support the family. Such collaboration is necessary to make the most informed decision possible for the child.

The bill provides that a diverse team is preferred in order to ensure that the necessary combination of technical skills, cultural knowledge, community resources, and personal relationships is developed and maintained for the child and family. The participants necessary to achieve an appropriately diverse team for a child may vary by child and may include extended family, friends, neighbors, coaches, clergy, coworkers, or others the family identifies as a potential source of support.

Specifically, the bill provides that in order to achieve a diverse team of informal and formal family supports for the child, the child and family teams must always include:

- The child;
- The child's family members and other individuals identified by the family as being important;
- The current caregiver;
- A representative from the DCF;
- The case manager for the child; and
- A therapist or other behavioral health professional, when applicable.

Based on the particular goal of the child and family team meeting, the case manager may determine which individuals are necessary for the particular meeting, including, but not limited to:

- A representative from Children's Medical Services;
- A guardian ad litem, if appointed;
- A school personnel representative who has direct contact with the child; or
- Other community providers of services to the child or stakeholders, when applicable.

The bill requires that the team is to be led by a trained, skilled facilitator in order to maintain a safe environment by acting as a neutral team member. The facilitator's main responsibility is to help team members use the strengths within the family to develop a safe plan for the child. The plan must then be approved by the team members. The bill requires that the child and family must always be the primary focus of each child and family team meeting and that the case manager shall make every effort to engage extended family and community-based informal supports who are able to continue helping the family after the department is no longer involved.

The bill requires that child and family team meetings must be structured to accomplish the stated goal of the meeting and must always ensure that the goal:

- Secures a child's safety in the least restrictive and intrusive placement that can meet his or her needs;
- Minimizes the trauma associated with separation from the child's family and helps the child to maintain meaningful connections with family members and others who are important to him or her;
- Provides input into the placement decision made by the community-based care lead agency and the services to be provided in order to support the child;

- Provides input into the decision to preserve or maintain the placement, including necessary placement preservation strategies;
- Contributes to an ongoing assessment of the child and the family's strengths and needs;
- Ensures that plans are monitored for progress and that such plans are revised or updated as the child's or family's circumstances change; and
- Facilitates the timely achievement of permanency for the child.

The bill replaces the term 'multidisciplinary team' with 'child and family team' and replaces the current member structure of multidisciplinary teams under s. 39.523(4), F.S., with the aforementioned required membership structure of the child and family teams. The bill also mandates that a child and family team must begin to be formed as soon as possible once a child is removed from the home, and must include collaboration with service providers to ensure that the appropriate services are well-coordinate upon removal and placement in out-of-home care. The bill prohibits team meetings from being delayed to accommodate pending behavioral health screenings or assessments or pending referrals for services.

The bill requires the child and family team to conduct a supplemental assessment for children 3 years of age or younger and requires team participants to gather data and information on the child which is known at the time, including, but not limited, to:

- Identified kin and relatives who express interest in caring for the child, including strategies to overcome potential delays in placing the child with such persons if they are suitable.
- The likelihood that the child can remain with the prospective caregiver past the point of initial removal and the willingness of the caregiver to provide care for any duration deemed necessary.
- The prospective caregiver's ability and willingness to:
 - Accept supports related to early childhood development and services addressing any possible developmental delays;
 - Address the emotional needs of the child and accept infant mental health supports, if needed;
 - Help nurture the child during the transition into out-of-home care;
 - Work with the parent to build or maintain the attachment 569 relationship between parent and child;
 - Effectively co-parent with the parent; and
 - Ensure frequent family visits.

The bill permits the DCF to discuss confidential information during child and family team meetings in the presence of those participating in the meeting. Additionally, any confidential and exempt information collected remains confidential and exempt when discussed in child and family team meetings. The bill requires any individuals who participate in child and family team meetings to maintain the confidentiality of all information shared during the meetings.

Transitions

The bill creates s. 39.5231, F.S., establishing specific provision for transitioning a child who is in the dependency system and specifically addresses placement transitions and education transitions. The bill provides legislative findings, including, specifically:

- The Legislature finds that many children in out-of-home care have experienced multiple changes in placement, and those transitions often result in trauma not only for the child, but also for caregivers, families, siblings, and all professionals involved.
- The Legislature further finds that poorly planned and executed or improperly timed transitions may adversely impact a child's healthy development as well as the child's continuing capacity to trust, attach to others, and build relationships in the future.
- The Legislature finds that the best child welfare practices recognize the need to prioritize the minimization of the number of placements for every child in out-of-home care. Further, the Legislature finds that efforts must be made to support caregivers in order to promote stability. When placement changes are necessary, they must be thoughtfully planned.
- The Legislature finds that transition plans are critical when moving all children, including infants, toddlers, school-age children, adolescents, and young adults.

The bill also provides definitions for the following terms:

- "Educational change", which is defined to mean any time a child is moved between schools which is not the result of the natural transition from elementary school to middle school or middle school to high school. The term also includes changes in child care or early education programs for infants and toddlers.
- "Emergency situation", which is defined to mean that there is an imminent risk to the health or safety of the child, other children, or others in the home or facility if the child remains in the placement.
- "Placement change", which is defined to mean any time a child is moved from one caregiver to another, including moves to a foster home, a group home, relatives, prospective guardians, prospective adoptive parents, and reunification with parents. The term also includes moves between rooms and buildings operated by a group home provider.
- "School", which is defined to mean any child care, early education, elementary, secondary, or postsecondary educational setting.

Placement Transitions

The bill requires the creation and implementation of an individualized transition plan for each placement change. Once a caregiver accepts the responsibility of caring for a child, the child may be removed from the home of the caregiver only if:

- The caregiver is clearly unable to safely or legally care for the child;
- The child and the birth or legal parent are reunified;
- The child is being placed in a legally permanent home in accordance with a case plan or court order; or
- The removal is demonstrably in the best interests of the child.

The bill requires that the lead agency to provide any supportive services deemed necessary to a caregiver and a child if the child's current out-of-home placement with the caregiver is in danger of needing modification in an effort to remedy the factors contributing to the placement being considered unsuitable and therefore contributing to the need for a change in placement.

In the event the supportive services do not prevent the placement from being disrupted, or if there are other circumstances that require the child to be moved, and the situation is not an emergency, the DCF or the lead agency must coordinate a child and family team meeting as

above-described for the specific purpose of developing an appropriate transition plan for the change in placement. The bill requires that the notice to change the placement is noticed by the DCF or lead agency at least 14 days before moving a child from one out-of-home placement to another. The notice must include the reason a placement change is necessary, be filed with the court, and a copy be provided to the:

- Child;
- Child's parents, unless prohibited by court order;
- Child's out-of-home caregivers;
- Guardian ad litem, if appointed to the child; and
- Attorney for the DCF.

The bill also provides specified provisions for the development of a transition plan and requires that the plan be developed through cooperation among the persons included in the child and family team meeting. The members of the team must share any relevant information necessary to ensure that the transition plan does all of the following:

- Respects the child's developmental stage and psychological needs.
- Ensures the child has all of his or her belongings and is allowed to help pack those belongings when appropriate.
- Allows for a gradual transition from the current caregiver's home with substantial overlap between the two caregivers and provides time for the child to have a final visitation with everyone important to the child from the current placement, including pets.
- Allows, when possible, for continued contact with the previous caregiver and others in the home after the child leaves.
- Prohibits a change in placement that occurs between 7 p.m. and 8 a.m.

The bill requires the DCF or the lead agency to file the transition plan with the court within 48 hours after the creation of the plan and provide a copy of the plan to specified persons.

In circumstances where a child must be transitioned due to an emergency situation, the bill provides that a placement change may be made immediately and that, if a child and family team meeting cannot be held before the child is moved, the meeting must be convened within 72 hours of the immediate change in placement for the specific purpose of developing a transition plan to minimize the impact of the placement change on the child. The notice of the transition plan and other procedures outlined above related to transition in a nonemergency situation are the same as for emergency situations.

The DCF or the lead agency must file the transition plan with the court within 48 hours after the creation of such plan and provide a copy of the plan to the persons listed above and adequately prepare prospective caregivers before placement. Specifically, the bill requires the DCF or lead agency to fully inform prospective caregivers of the child's needs and circumstances and ensure that he or she is willing and able to accept responsibility for providing high-quality care for such needs and circumstances before placement. The bill requires the lead agency to review the caregivers' roles and responsibilities according to the parenting partnerships plan for children in out-of-home care pursuant to s. 409.1415, F.S.

The bill provides for additional considerations for transitions of infants and children under school age specifically related to the fact that relationship patterns over the first year of life are important predictors of future relationships. The bill specifies that research demonstrates that babies begin to form a strong attachment to a caregiver at approximately 7 months of age and that through age 2, it can be considerably more damaging to move a child from the caregiver who is the psychological parent. The bill provides that placement decisions for infants and children under 5 years of age in out-of-home care must focus on promoting security and continuity.

The bill requires that transition plans for infants and young children describe the facts that were considered when each of the following were discussed and specify what decision was made as to how each of the following applies to the child:

- The age of the child and the child's current ability to accomplish developmental tasks, with consideration made for whether the child is:
 - Six months of age or younger, thereby indicating that it may be in the child's best interest to move the child sooner rather than later; or
 - One year to 2 years of age, thereby indicating it may not be a healthy time to move the child.
- The length of time the child has lived with the current caregiver, the strength of attachment to the current caregiver, and the harm of disrupting a healthy attachment compared to the possible advantage of a change in placement.
- The relationship, if any, the child has with the new caregiver and whether a reciprocal agreement exists between the current caregiver and the prospective caregiver to maintain the relationship with both caregivers.
- The pace of the transition and whether flexibility exists to accelerate or slow down the transition based on the needs and reactions of the child.

Education Transitions

In addition to placement changes, the bill establishes a number of provisions related to education transitions, which often occur in conjunction with a placement change, but may also be considered independently. The bill provides legislative findings related to children in out-of-home care frequently changing child care, early education programs, and schools.

The bill requires that every effort must be made to keep a child in the school of origin and that any placement decision must include thoughtful consideration of which school a child will attend if a school change is necessary. The bill requires that a determination related to the school which is in the child's best interest attend must be made in consultation with the child, parents, caregivers, child welfare professional, guardian ad litem, educational surrogate, child care and educational staff, including teachers and guidance counselors, and school district representative or foster care liaison.

If a determination is made that remaining in the school or program of origin is not in the child's best interest, selection of a new school must consider relevant factors, including, but not limited to:

- The child's desire to remain in the school or program of origin.
- The preference of any of the child's parents or legal guardians.

- Whether the child has siblings, close friends, or mentors at the school or program of origin.
- The child's cultural and community connections in the school or program of origin.
- Whether the child is suspected of having a disability under the Individuals with Disabilities Education Act (IDEA) or s. 504 of the Rehabilitation Act of 1973, or has begun receiving interventions under this state's multi-tiered system of supports.
- Whether the child has an evaluation pending for special education and related services under IDEA or s. 504 of the Rehabilitation Act of 1973..
- Whether the child is a student with a disability under IDEA who is receiving special education and related services or a student with a disability under s. 504 of the Rehabilitation Act of 1973 who is receiving accommodations and services and, if so, whether those required services are available in a school or program other than the school or program of origin.
- Whether the child is an English Language Learner student and is receiving language services, and, if so, whether those required services are available in a school or program other than the school or program of origin.
- The impact a change to the school or program of origin would have on academic credits and progress toward promotion.
- The availability of extracurricular activities important to the child.
- The child's known individualized educational plan or other medical and behavioral health needs and whether such plan or needs are able to be met at a school or program other than the school or program of origin.
- The child's permanency goal and timeframe for achieving permanency.
- The child's history of school transfers and how such transfers have impacted the child academically, emotionally, and behaviorally.
- The length of the commute to the school or program and how it would impact the child.
- The length of time the child has attended the school or program of origin.

The bill specifically provides that the cost of transportation cannot be a factor in making the best interest determination.

Transitions between child care and early education programs.

The bill requires that when a child enters out-of-home care or undergoes a change in placement, the child must, if possible, remain with the familiar child care provider or early education program unless there is an opportunity to transition to a higher quality program. However, the bill provides that when it is not possible for the child to remain with the familiar child care provider or early education program, the child's transition plan must be made with the participation of the child's current and future school or program. The plan must give the child an opportunity to say goodbye to important figures in the educational environment.

Transitions between K-12 schools.

The bill requires that the transition plan for a transition between K-12 schools must include all of the following:

- Documentation that the DCF or lead agency has made the decision to change the child's school in accordance with reasons allowed for removal.

- The plan must include a detailed discussion of all factors considered in reaching the decision to change the child's school.
- Documentation that the DCF or lead agency has coordinated with local educational agencies to provide immediate and appropriate enrollment in a new school, including transfer of educational records, record of a school entry health examination, and arrangements for transportation to the new school.
- Discussion of the timing of the proposed school change which addresses the potential impact on the child's education and extracurricular activities.⁷⁶
- Details concerning the transportation of the child to school.

The bill requires the department, in collaboration with the Quality Parenting Initiative, to develop a form to be completed and updated each time a child in out-of-home care is moved from one placement to another. The updated form must be attached to the case record face sheet required to be included in the case file pursuant to s. 39.00146. (b) The form must be used statewide and, at a minimum, must include all of the following information:

- The membership of the child and family team convened to develop a transition plan for the change in placement and the dates the team met.
- The name of the professional facilitator of the child and family team meeting.
- The topics considered by the child and family team in order to ensure an appropriate transition.
- The recommendations of the child and family team and the name of each individual or entity responsible for carrying out each recommendation.

The bill requires the DCF or the lead agency to document all child and family team meetings and placement transition decisions in the Florida Safe Families Network and must include the information in the social study report for judicial review.⁷⁷ The bill also provides the DCF with rulemaking authority to implement the provisions of the bill related to placement and education transitions.

Placement of Siblings

The bill creates s. 39.5232, F.S., relating to the placement of siblings, providing clarity to provisions that address placement decision of sibling groups. These provisions expand current law to highlight the importance provide clear guidance for these children that enter out-of-home care. The bill provides legislative findings related to sibling relationships including that:

- Sibling relationships can provide a significant source of continuity throughout a child's life, are likely to be the longest relationships that individuals experience, and that healthy connections with siblings can serve as a protective factor for children who have been placed in out-of-home care.
- It is beneficial for a child who is placed in out-of-home care to be able to continue existing relationships with his or her siblings, regardless of age, so that they may share their strengths and association in their everyday and often common experiences.

⁷⁶ The bill provides that education plans for this level must include, at a minimum, grading periods, exam schedules, credit acquisitions, sports eligibility, and extracurricular participation.

⁷⁷ The judicial review referenced is as required under s. 39.701, F.S.

- It is the responsibility of all entities and adults involved in a child’s life to seek opportunities to foster existing sibling relationships to promote continuity and help to sustain family connections, including, but not limited to, the DCF, lead agencies, parents, foster parents, guardians ad litem, next of kin, and other persons important to the child.
- While there is a presumption in law and policy that it is in the best interest of a child going into foster care to be placed with any siblings, the importance of prioritizing placement decisions that continue healthy existing sibling relationships may be different than prioritizing a sibling relationship over a healthy existing bond with a caregiver when there is not an existing bond between the siblings being evaluated for placement or in which the bond that exists between the siblings is not healthy for all children of that sibling group.
- Demographic and situational factors may present challenges for agencies to place siblings together and that child protective investigators and caseworkers should be aware of such factors to ensure that these are not the sole reasons for siblings being unable to be placed together.

The bill provides the following definitions that apply to the provision related to the placement of siblings:

- “Child and family team”, which is defined to mean the team established in s. 39.523(3), F.S., as discussed above.
- “Sibling”, which is defined to mean:
 - A child who shares a birth parent or legal parent with one or more other children; or
 - A child who has lived together in a family with one or more other children whom he or she identifies as siblings.

Placement Decisions

The bill provides that notwithstanding any other provision of law, the DCF is required to make reasonable efforts to place siblings who have an existing relationship and are removed from their home in the same foster, kinship, adoptive, or guardianship home, when it is in the best interest of each sibling and when an appropriate, capable, and willing joint placement for the sibling group is available.

The bill further provides that if siblings are not placed together, the DCF is required to document in writing in the file and in the case record face sheet required to be included in the case file pursuant to s. 39.00146, F.S., the reasons joint placement was not able to occur and frequent visitation or other ongoing interaction between the siblings. The bill provides that such interaction is not required if there is a determination that the interaction would be contrary to a sibling’s safety or well-being. This determination must also be documented in the case file and the case record face sheet. The bill provides that the DCF and the court are not required to make a placement or change in placement to develop a relationship between siblings which did not exist at the time a child is placed in out-of-home care.

The bill requires a child and family team to be convened at the time a child is removed from the home to determine and assess the sibling relationships from the perspective of each child to ensure the best placement of each child in the sibling group. The child and family team is required to consider the existing emotional ties between and among the siblings and the degree of harm each child is likely to experience as a result of separation. In addition to the participants

required to be in the team meeting in accordance with s. 39.523, F.S., as described above, the bill requires a mental health professional with expertise in sibling bonding to be included in a child and family team meeting convened for the purpose of deciding the placement of a sibling group.

The DCF or the lead agency is required to provide written documentation detailing any decision to separate siblings in the case file and document the decision in the Florida Safe Families Network. The documentation must specify the efforts made to keep the siblings together, an assessment of the short-term and long-term effects of separation on each child and the sibling group as a whole, and a description of the plan for communication or contact between the children if separation is approved.

The bill provides that in certain instances a child and family team must be convened to monitor placement decisions of sibling groups. First, a child and family team must be convened if a child who has been placed in an out-of-home placement with his or her siblings does not adjust to the placement. The child and family team is required to review the current placement of the sibling group and choose a plan that will be least detrimental to each child. The bill also provides that the DCF and lead agency must periodically reassess sibling placement, visitation, and other sibling contact decisions in cases where siblings are separated, not visiting, or not maintaining contact to determine if a change in placement is warranted.

The bill also provides specified provisions that relate to placement of sibling groups of infants and young children that focus on the importance of the vulnerability of the children in these early stages of life. Additional findings are provided which, in part, specify the following:

- The practice of placing siblings who are removed from the primary home and placed into out-of-home care together has been adopted as best practice by the child welfare system. However, at other times, a child is born after his or her siblings are already in out-of-home care.
- A newborn infant may or may not enter care upon birth even when an older sibling are in out-of-home care. If the infant enters out-of-home care, he or she may be placed in a home separately from any siblings. The infant might begin life without developing a relationship with his or her siblings. Even if the newborn infant is not immediately placed into out-of-home care when his or her siblings are in such care, the young child may not develop a relationship with his or her siblings who are in out-of-home care. If the infant or young child is then removed from the parent's care and placed in out-of-home care into a loving and nurturing home, the infant or young child will begin to develop a secure attachment relationship with his or her caregivers.
- If the policy of placing siblings together is uniformly followed without consideration of an existing attachment bond or the consideration of the individual infant's or young child's needs, disruption from the primary attachment figure might occur to place the infant or young child with siblings and a caregiver he or she does not know.

To ensure that young children who enter out-of-home care are provided with additional attention, the bill also provides specified additional factors that must be considered when placing sibling groups of infants and young children to assist with appropriate placement. Specifically, the bill provides that when consideration is being given to determine whether to move an infant or young child from the current placement to a new placement when such change is initiated by a sibling

relationship that does not currently exist, the DCF or lead agency must consider all of the following additional factors:

- The presence and quality of current attachment relationships, including:
 - The quality and length of the attachment to the current and potential caregiver;
 - The age of the child at placement with the current caregiver and the child's current age;
 - The ease with which the child is attached to the current family;
 - Any indications of attachment difficulty in the child's history; and
 - The number of moves and number of caregivers the child has experienced.
- The potential of the new caregiver to be a primary attachment figure to the infant by ensuring care for the child's physical needs and being willing and available to meet the child's emotional needs.
- The quality of sibling relationships between the child's other siblings and the potential quality of the sibling relationship that can be formed between the child and his or her siblings.
- The consideration of any costs and benefits of disrupting existing emotional attachments to the primary caregiver to place a child in a new placement with his or her siblings, including the:
 - Length and quality of the established and current primary attachment relationships;
 - Relationships between the child's other siblings and whether such relationships appear adequate and not stressful or harmful; and
 - Length and quality of the established and current primary attachment relationships between the siblings and the sibling's current caregiver.
- The ability to establish and maintain sibling visitation and contact in a manner and schedule that makes sense for the infant or young child if it is determined that the infant or young child is to remain with the primary caregivers rather than be placed with his or her siblings.

The bill requires that if after considering all required provisions and factors it is determined that the child would benefit from being placed with his or her siblings, it is essential that the transition to the new home be carried out gradually in accordance with s. 39.5321, F.S., as described above.

The bill also requires the DCF, in collaboration with the Quality Parenting Initiative, to develop standard protocols for caseworkers which incorporate the provisions and factors described above related to the placement of siblings and any other factors deemed relevant for use in making decisions about when it would be contrary to a child's well-being or safety to place siblings together or provide for frequent visitation.

The bill also addresses the need for siblings to have continued contact and visitation even if the sibling group is unable to be placed together. The bill provides that caregivers and professionals play an important role in facilitating contact between siblings. The bill provides specified practices that must be considered to help maintain or strengthen relationships among separated siblings, including the:

- Placement with kinship caregivers who have an established personal relationship with each child so that even when siblings cannot be placed together in the same home the relatives are more likely to facilitate contact.

- Placement of siblings geographically near each other, such as in the same neighborhood or school district, to make it easier for the siblings to see each other regularly.
- Frequent and regular visitation to be actively involved in each other's lives and to participate in celebrations, including, but not limited to, birthdays, graduations, holidays, school and activities, cultural customs, and other milestones, if the siblings choose to do so.
- Utilization of other forms of contact when regular in person meetings are not possible or are not sufficient to meet the needs or desires of the siblings, such as maintaining frequent contact through letters, e-mail, social media, cards, or telephone calls.
- Coordination of joint outings or summer or weekend camp experiences to facilitate time together, including, but not limited to, activities or camps specifically designed for siblings in out-of-home care.
- Utilization of joint respite care to assist the caregivers who are caring for separated siblings to have needed breaks while also facilitating contact among the siblings, including, but not limited to, providing babysitting or respite care for each other.
- Prohibition on withholding communication or visitation among the siblings as a form of punishment.

The bill requires additional requirements and considerations related to siblings who are in out-of-home care, including that:

- A caregiver must respect and support the child's ties to his or her birth or legal family, including parents, siblings, and extended family members, and assist the child in maintaining allowable visitation and other forms of communication.
- The DCF and lead agency must provide a caregiver with the information, guidance, training, and support necessary for fulfilling the responsibility to fostering the sibling connection.
- The DCF must promptly provide a child as to the location of and contact information for his or her siblings and, if the existence or location of or contact information for a child's siblings is not known, the DCF must make reasonable efforts to locate the requisite information.
- The DCF or lead agency must convene a child and family team meeting within a reasonable amount of time of the discovery of such sibling to decide if the current placement or permanency plan requires modification if it becomes known that a child in out-of-home care has a sibling of whom the child was previously unaware.
- A child has a right to continued communication with his or her sibling if a child's sibling is also in out-of-home care and such sibling leaves out-of-home care for any reason, including, but not limited to, emancipation, adoption, or reunification with his or her parent or guardian.
- The court may limit or restrict communication or visitation among siblings only upon a finding by clear and convincing evidence that the communication or visitation is harmful to the child.⁷⁸

The bill provides the DCF with rulemaking authority to implement the provisions of the bill related to the placement of siblings.

⁷⁸ The bill further provides that if the court makes such a finding, it must direct the department to immediately provide services to ameliorate the harm so that communication and visitation may be restored as soon as possible.

Case Record Face Sheet

The bill creates s. 39.00146, F.S., implementing the use of a case record sheet with all child welfare cases in Florida. To achieve this goal, the bill provides definitions for the following terms:

- “Sibling” has the same meaning as in s. 39.5232(2), F.S., described above.
- “Child and family team” means a team established as provided in s. 39.523(3).
- “Placement change” has the same meaning as in s. 39.5321(2).
- “School” has the same meaning as in s. 39.5321(2).

The bill requires that the case record of every child under the supervision or in the custody of the department, the department’s agents, or providers contracting with the department, including community-based care lead agencies and their subcontracted providers, must include a face sheet containing relevant information about the child and his or her case, including at least all of the following:

- General case information, including, but not limited to:
 - The child’s name and date of birth;
 - The current county of residence and the county of residence at the time of the referral;
 - The reason for the referral and any family safety concerns;
 - The personal identifying information of the parents or legal custodians who had custody of the child at the time of the referral, including name, date of birth, and county of residence;
 - The date of removal from the home; and
 - The name and contact information of the attorneys assigned to the case in all capacities, including the attorney or attorneys that represent the department and the parents, and the guardian ad litem, if appointed to the child.
- The name and contact information for any employees of the department, the department’s authorized agents, or providers contracting with the department, including community-based care lead agencies and their subcontracted providers, who have worked with the child, including the child’s current and previous case managers, and the supervisor information for such employees.
- The personal information of relevant family members and other fictive kin, including, but not limited to, the name and contact information of:
 - The child’s parents;
 - Any siblings known at the time of the child’s removal from the home, including the location of the current out-of-home placement, if applicable;
 - The child’s current caregivers and any previous out-of-home placements;
 - Any other caretaking adults; and
 - All children in the out-of-home placement, if applicable.
- Information pertaining to recent and upcoming court hearings, including, but not limited to:
 - The date, subject matter, and county of court jurisdiction of the most recent court hearing; and
 - The date, subject matter, and county of court jurisdiction of the next scheduled court hearing.
- Contact information for persons and organizations currently providing services and support to the child.

- A description of any threats of danger placing the child at imminent risk of removal.
- A description of individual parent or caregiver concerns for the child.
- Any concerns that exist regarding the parent or the current caregiver's ability to:
 - Engage or bond with the child if the child is an infant;
 - Structure daily activities that stimulate the child;
 - Manage the child's behavior;
 - Maintain a safe home; or
 - Make good health decisions for the child.
- Any transitions in placement the child has experienced since the child's initial placement and a description of how such transitions were accomplished in accordance with s. 39.5321.
- Any other information the department, the department's authorized agents, or providers contracting with the department, including community-based care lead agencies and their subcontracted providers, deem relevant.

The DCF, the DCF's authorized agents, or providers contracting with the DCF, including community based care lead agencies and their subcontracted providers, must ensure that the face sheet for each case is updated at least once per month. The bill provides the DCF with rulemaking authority to implement provisions relating to case record face sheets.

The bill is effective October 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill requires the DCF or lead agency to develop a transition plan for each placement change that occurs. The DCF states that this requirement will impact the lead agencies. The DCF states that, according to the Florida Safe Families Network (FSFN) data, there were 22,705 placement changes in FY 2019-2020 where a child moved from one caregiver to another, including moves to a relative, nonrelative, foster home, group home, and reunification with a parent. The data currently collected in FSFN does not include moves between rooms or buildings operated by group homes for which the DCF would also be required to develop a transition plan. The DCF states that it typically requires a case manager on average 8 hours to develop a transition plan that includes the components and consultation with the interested persons outlined in the bill. The DCF further provides that this provision will require at least 98 new case management positions, with a total need for salary, expenses, and travel anticipated to be \$8,093,428 (\$7,657,524 in recurring and \$435,904 in nonrecurring).⁷⁹

C. Government Sector Impact:

The DCF states that the to fulfill the requirements of the child and family teams at least 174 FTEs for the statewide facilitators referenced to lead a meeting each time there is a placement change and on an annual basis in conjunction with the child's permanency hearing. The total need for the anticipated FTEs is \$14,313,442 (\$13,539,490 in recurring and \$773,952 in nonrecurring).⁸⁰

Further, for child and family teams that are convened for decisions on placement decisions related to sibling groups, the DCF states that the fiscal impact of the requirement that a mental health professional with expertise in sibling bonding will result in additional expenditures to the DCF of additional \$1,653,000 for staffings and court testimony.⁸¹

It should be noted that the DCF has provided supplemental information to Senate professional staff that there are a number of multidisciplinary team staffings currently being conducted by the DCF or lead agency that involve very similar structure for the participant members as well as purpose. As a result, additional information will need to be gathered from the DCF to understand the expenditure and FTE needs that are stated in the DCF's analysis dated February 2, 2021.⁸²

Lastly, the DCF provides that the bill is expected to require significant changes to the FSFN system to support data currently not in FSFN and the development of web services to provide the data required for the case record face sheet to an external system. In addition to the FSFN changes and web services, the DCF states that will be a cost estimate to license an external provider solution that already has a Face Sheet, which will

⁷⁹ The DCF, *Agency Analysis for SB 80*, p. 17-18, February 2, 2021 (on file with the Senate Committee on Children, Families, and Elder Affairs)(hereinafter cited as "The DCF Analysis").

⁸⁰ The DCF Analysis, p. 16.

⁸¹ *Id.*

⁸² *See* The DCF Supplemental Information.

be a recurring annual cost that covers licensing and support. The DCF provides that the total estimate for the FSFN changes, web services, and an external provider solution will range between \$1,430,500 to \$2,284,000, depending on a number of factors.⁸³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends ss. 39.522, 39.523 and 39.806 of the Florida Statutes. This bill creates ss. 39.00146, 39.5231, and 39.5232 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁸³ The DCF Analysis, p. 18-20.