

By Senator Brodeur

9-00861-21

202180__

1 A bill to be entitled
2 An act relating to child welfare; creating s.
3 39.00146, F.S.; defining terms; requiring the case
4 record of every child under the supervision or in the
5 custody of the Department of Children and Families,
6 the department's agents, or providers contracting with
7 the department to include a case record face sheet;
8 specifying information required to be included in the
9 case record face sheet; requiring the department, the
10 department's agents, and providers contracting with
11 the department to update the case record face sheet
12 monthly; requiring the department to adopt rules;
13 amending s. 39.522, F.S.; revising criteria for the
14 court to consider when determining whether a legal
15 change of custody is in the best interests of the
16 child; providing a rebuttable presumption that the
17 best interest of the child is to remain in the current
18 placement; providing for when the presumption is
19 applicable; establishing the manner to rebut the
20 presumption; amending s. 39.523, F.S.; providing
21 legislative findings; providing for priority
22 placements for a child who must be placed in out-of-
23 home care; requiring that sibling groups be placed
24 together under certain circumstances; requiring
25 placement decisions for sibling groups be made
26 pursuant to a specified provision; requiring that
27 child and family team meetings be held when an
28 important decision regarding the child must be made;
29 providing the purpose of child and family team

9-00861-21

202180__

30 meetings; providing for the composition of child and
31 family teams; providing requirements for child and
32 family team meetings; requiring community-based care
33 lead agencies and subcontracted agencies to coordinate
34 a child and family team meeting as part of the
35 comprehensive placement assessment process; requiring
36 the formation of a team as soon as possible when the
37 child is removed from the home; requiring the child
38 and family teams to collaborate with services
39 providers to ensure coordination of existing services;
40 prohibiting the delay of team meetings under certain
41 circumstances; requiring child and family teams to
42 conduct supplemental assessments for certain children;
43 requiring team participants to gather certain
44 information related to the child for such supplemental
45 assessments; authorizing the department to discuss
46 confidential information during the child and family
47 team meeting in the presence of individuals who
48 participate in the meeting; providing that information
49 collected by any agency or entity that participates in
50 the child and family team meeting which is
51 confidential and exempt upon collection remains
52 confidential and exempt when discussed in meetings;
53 providing that all individuals who participate in the
54 meeting must maintain the confidentiality of all
55 information shared during the meeting; requiring,
56 rather than authorizing, the department to adopt
57 rules; creating s. 39.5321, F.S.; providing
58 legislative findings and intent; defining terms;

9-00861-21

202180__

59 providing for the creation of transition plans for
60 changes in placement; providing conditions under which
61 a child may be removed from a caregiver's home;
62 requiring community-based care lead agencies to
63 provide services to prevent a change in placement;
64 requiring the department and community-based care lead
65 agencies to coordinate a child and family team meeting
66 to develop a transition plan under certain
67 circumstances; requiring the department or community-
68 based care lead agency to provide notice of a planned
69 placement change; providing requirements for the
70 notice; providing for transition planning in emergency
71 situations; providing child and family meeting
72 requirements in emergency situations; requiring the
73 department or community-based care lead agency to
74 provide notice of the emergency placement change to
75 specified persons; providing requirements for the
76 notice; providing requirements for transition plans
77 made in emergency situations; requiring the department
78 or community-based care lead agency to file such
79 transition plans with the court within a specified
80 timeframe; requiring that prospective caregivers be
81 fully informed of certain information before
82 placement; requiring community-based care lead
83 agencies to review certain information with
84 prospective caregivers; requiring additional
85 considerations for placement changes for infants and
86 young children; providing findings; providing for
87 determinations to be made to minimize changes in

9-00861-21

202180__

88 school placements; providing factors that must be
89 considered when selecting a new school for a child;
90 requiring children who enter out-of-home care or
91 undergo changes in placement to remain with familiar
92 child care providers or early education programs, if
93 possible; providing requirements for transition plans
94 for transitions between K-12 schools; requiring the
95 department, in collaboration with the Quality
96 Parenting Initiative, to develop a form for a
97 specified purpose; specifying requirements for the
98 form; requiring the department and community-based
99 care lead agencies to document child and family team
100 meetings and placement transition decisions in the
101 Florida Safe Families Network and include such
102 information in the social study report for judicial
103 review; requiring the department to adopt rules;
104 creating s. 39.5232, F.S.; providing legislative
105 findings; defining terms; requiring the department to
106 make reasonable efforts to place siblings in the same
107 foster, kinship, adoptive, or guardianship home when
108 certain conditions are met; requiring the department
109 to take certain actions when siblings are not placed
110 together; specifying that the department and court are
111 not required to make a placement or change in
112 placement to develop certain sibling relationships;
113 requiring caseworkers to convene a child and family
114 team meeting to determine and assess sibling
115 relationships at the time a child is removed from a
116 home; providing requirements for such child and family

9-00861-21

202180__

117 teams and related meetings; requiring the department
118 and community-based care lead agencies to document in
119 writing decisions to separate siblings in case files
120 and the Florida Safe Families Network; specifying
121 requirements for such documentation; requiring
122 caseworkers to convene a child and family team meeting
123 when one child does not adjust to placement as a
124 sibling group; requiring the child and family team to
125 review such placement and choose a plan least
126 detrimental to each child; requiring the department
127 and community-based care lead agencies to periodically
128 reassess certain sibling placements; requiring the
129 department and community-based care lead agencies to
130 determine specified factors when determining whether
131 to move infants and young children to new placements
132 under certain conditions; requiring that a child's
133 transition to a new home be carried out gradually when
134 it is determined that the child would benefit from
135 being placed with siblings; requiring the department,
136 in collaboration with the Quality Parenting
137 Initiative, to develop standard protocols for
138 caseworkers for use in making specified decisions
139 about child placement; providing considerations for
140 maintaining contact between siblings when separated;
141 providing duties for caregivers; requiring the
142 department to provide children with specified
143 information relating to their siblings; requiring the
144 department to make reasonable efforts to ascertain
145 such information if it is not known; requiring the

9-00861-21

202180__

146 department and community-based care lead agencies to
147 convene a child and family team meeting under certain
148 conditions; providing that a child has a right to
149 continued communication with a sibling when the
150 child's sibling is also in out-of-home care and such
151 sibling leaves out-of-home care for any reason;
152 authorizing the court to limit and restrict
153 communication and visitation upon a finding of clear
154 and convincing evidence that such communication or
155 visitation is harmful to the child; requiring the
156 court to direct the department to provide certain
157 services; requiring the department to adopt rules;
158 amending s. 39.806, F.S.; conforming a cross-
159 reference; providing an effective date.

160
161 Be It Enacted by the Legislature of the State of Florida:

162
163 Section 1. Section 39.00146, Florida Statutes, is created
164 to read:

165 39.00146 Case record face sheet.-

166 (1) As used in this section, the term:

167 (a) "Sibling" has the same meaning as in s. 39.5232(2).

168 (b) "Child and family team" means a team established as
169 provided in s. 39.523(3).

170 (c) "Placement change" has the same meaning as in s.
171 39.5321(2).

172 (d) "School" has the same meaning as in s. 39.5321(2).

173 (2) The case record of every child under the supervision or
174 in the custody of the department, the department's authorized

9-00861-21

202180__

175 agents, or providers contracting with the department, including
176 community-based care lead agencies and their subcontracted
177 providers, must include a face sheet containing relevant
178 information about the child and his or her case, including at
179 least all of the following:

180 (a) General case information, including, but not limited
181 to:

182 1. The child's name and date of birth;

183 2. The current county of residence and the county of
184 residence at the time of the referral;

185 3. The reason for the referral and any family safety
186 concerns;

187 4. The personal identifying information of the parents or
188 legal custodians who had custody of the child at the time of the
189 referral, including name, date of birth, and county of
190 residence;

191 5. The date of removal from the home; and

192 6. The name and contact information of the attorneys
193 assigned to the case in all capacities, including the attorney
194 or attorneys that represent the department and the parents, and
195 the guardian ad litem, if appointed to the child.

196 (b) The name and contact information for any employees of
197 the department, the department's authorized agents, or providers
198 contracting with the department, including community-based care
199 lead agencies and their subcontracted providers, who have worked
200 with the child, including the child's current and previous case
201 managers, and the supervisor information for such employees.

202 (c) The personal information of relevant family members and
203 other fictive kin, including, but not limited to, the name and

9-00861-21

202180__

- 204 contact information of:
- 205 1. The child's parents;
- 206 2. Any siblings known at the time of the child's removal
- 207 from the home, including the location of the current out-of-home
- 208 placement, if applicable;
- 209 3. The child's current caregivers and any previous out-of-
- 210 home placements;
- 211 4. Any other caretaking adults; and
- 212 5. All children in the out-of-home placement, if
- 213 applicable.
- 214 (d) Information pertaining to recent and upcoming court
- 215 hearings, including, but not limited to:
- 216 1. The date, subject matter, and county of court
- 217 jurisdiction of the most recent court hearing; and
- 218 2. The date, subject matter, and county of court
- 219 jurisdiction of the next scheduled court hearing.
- 220 (e) Contact information for persons and organizations
- 221 currently providing services and support to the child.
- 222 (f) A description of any threats of danger placing the
- 223 child at imminent risk of removal.
- 224 (g) A description of individual parent or caregiver
- 225 concerns for the child.
- 226 (h) Any concerns that exist regarding the parent or the
- 227 current caregiver's ability to:
- 228 1. Engage or bond with the child if the child is an infant;
- 229 2. Structure daily activities that stimulate the child;
- 230 3. Manage the child's behavior;
- 231 4. Maintain a safe home; or
- 232 5. Make good health decisions for the child.

9-00861-21

202180__

233 (i) Any transitions in placement the child has experienced
234 since the child's initial placement and a description of how
235 such transitions were accomplished in accordance with s.
236 39.5321.

237 (j) Any other information the department, the department's
238 authorized agents, or providers contracting with the department,
239 including community-based care lead agencies and their
240 subcontracted providers, deem relevant.

241 (3) The department, the department's authorized agents, or
242 providers contracting with the department, including community-
243 based care lead agencies and their subcontracted providers, must
244 ensure that the face sheet for each case is updated at least
245 once per month.

246 (4) The department shall adopt rules to implement this
247 section.

248 Section 2. Section 39.522, Florida Statutes, is amended to
249 read:

250 39.522 Postdisposition change of custody.—

251 (1) The court may change the temporary legal custody or the
252 conditions of protective supervision at a postdisposition
253 hearing, without the necessity of another adjudicatory hearing.

254 (2)~~(1)~~(a) At any time before a child is residing in the
255 permanent placement approved at the permanency hearing, a child
256 who has been placed in the child's own home under the protective
257 supervision of an authorized agent of the department, in the
258 home of a relative, in the home of a legal custodian, or in some
259 other place may be brought before the court by the department or
260 by any other interested person, upon the filing of a motion
261 alleging a need for a change in the conditions of protective

9-00861-21

202180__

262 supervision or the placement. If any party or the current
263 caregiver denies ~~the parents or other legal custodians deny~~ the
264 need for a change, the court shall hear all parties in person or
265 by counsel, or both.

266 (b) Upon the admission of a need for a change or after such
267 hearing, the court shall enter an order changing the placement,
268 modifying the conditions of protective supervision, or
269 continuing the conditions of protective supervision as ordered.
270 The standard for changing custody of the child shall be the best
271 interests of the child. When determining whether a change of
272 legal custody or placement is in the best interests of the
273 child, the court shall consider:

- 274 1. The child's age.
- 275 2. The physical, mental, and emotional health benefits to
276 the child by remaining in his or her current placement or moving
277 to the proposed placement.
- 278 3. The stability and longevity of the child's current
279 placement.
- 280 4. The established bonded relationship between the child
281 and the current or proposed caregiver.
- 282 5. The reasonable preference of the child, if the court has
283 found that the child is of sufficient intelligence,
284 understanding, and experience to express a preference.
- 285 6. The recommendation of the child's current caregiver.
- 286 7. The recommendation of the child's guardian ad litem, if
287 one has been appointed.
- 288 8. The child's previous and current relationship with a
289 sibling, if the change of legal custody or placement will
290 separate or reunite siblings, evaluated in accordance with s.

9-00861-21

202180__

291 39.5232.

292 9. The likelihood of the child attaining permanency in the
293 current or proposed placement.

294 10. The likelihood that the child will have to change
295 schools or day care placement, the impact of such a change, and
296 the parties' recommendations as to the timing of the change.

297 11. The disruption of continuity of care with medical,
298 mental health, dental, or other treatment services the child is
299 receiving at the time of the change of custody decision.

300 12. The impact on activities that are important to the
301 child, including the ability of the child to continue in such
302 activities.

303 13. The impact on the child's future access to education,
304 Medicaid, and independent living benefits.

305 14. The recommendations of the multidisciplinary team that
306 developed a transition plan that is child-centered and created
307 in accordance with s. 39.523.

308 15. Any other relevant factors.

309 (c) ~~(b)~~ If the child is not placed in foster care, the new
310 placement for the child must meet the home study criteria and
311 court approval under this chapter.

312 (3) (a) In a hearing on a change of legal custody conducted
313 under subsection (2), there shall be a rebuttable presumption
314 that it is in the child's best interest to remain permanently in
315 the same safe and stable placement in which the child has been
316 living continuously for the past 6 months if the court finds
317 that:

- 318 1. Reunification is not a permanency option for the child;
- 319 2. The child has resided in the same out-of-home placement

9-00861-21

202180__

320 for more than 6 months; and

321 3. The custodian of the child in the out-of-home placement
322 requests and is eligible for consideration as an adoptive parent
323 or a permanent custodian for the child.

324 (b) This presumption may not be rebutted solely by the
325 expressed wishes of a biological parent, a biological relative,
326 or a caregiver of a sibling of the child.

327 (c) In order to rebut the presumption established in
328 paragraph (a), the court shall hold an evidentiary hearing and
329 grant party status to the current caregiver who is seeking
330 permanent custody and has maintained custody of that child for
331 at least 6 continuous months. The court shall appoint a lawyer
332 to represent the current caregiver, and the court shall appoint
333 a lawyer for the child that is the subject of the permanent
334 custody proceeding. As part of the evidentiary hearing, the
335 court must consider competent and substantial evidence and
336 testimony related to the factors enumerated in subsection (2)
337 and any other evidence deemed relevant to a determination of
338 placement, including evidence from a court-selected neutral and
339 independent expert in the science and research of child-parent
340 bonding and attachment.

341 (4)~~(2)~~ In cases where the issue before the court is whether
342 a child should be reunited with a parent, the court shall review
343 the conditions for return and determine whether the
344 circumstances that caused the out-of-home placement and issues
345 subsequently identified have been remedied to the extent that
346 the return of the child to the home with an in-home safety plan
347 prepared or approved by the department will not be detrimental
348 to the child's safety, well-being, and physical, mental, and

9-00861-21

202180__

349 emotional health.

350 (5)~~(3)~~ In cases where the issue before the court is whether
351 a child who is placed in the custody of a parent should be
352 reunited with the other parent upon a finding that the
353 circumstances that caused the out-of-home placement and issues
354 subsequently identified have been remedied to the extent that
355 the return of the child to the home of the other parent with an
356 in-home safety plan prepared or approved by the department will
357 not be detrimental to the child, the standard shall be that the
358 safety, well-being, and physical, mental, and emotional health
359 of the child would not be endangered by reunification and that
360 reunification would be in the best interest of the child.

361 (6)~~(4)~~ In cases in which the issue before the court is
362 whether to place a child in out-of-home care after the child was
363 placed in the child's own home with an in-home safety plan or
364 the child was reunified with a parent or caregiver with an in-
365 home safety plan, the court must consider, at a minimum, the
366 following factors in making its determination whether to place
367 the child in out-of-home care:

368 (a) The circumstances that caused the child's dependency
369 and other subsequently identified issues.

370 (b) The length of time the child has been placed in the
371 home with an in-home safety plan.

372 (c) The parent's or caregiver's current level of protective
373 capacities.

374 (d) The level of increase, if any, in the parent's or
375 caregiver's protective capacities since the child's placement in
376 the home based on the length of time the child has been placed
377 in the home.

9-00861-21

202180__

378

379 The court shall additionally evaluate the child's permanency
380 goal and change the permanency goal as needed if doing so would
381 be in the best interests of the child. If the court changes the
382 permanency goal, the case plan must be amended pursuant to s.
383 39.6013(5).

384 Section 3. Section 39.523, Florida Statutes, is amended to
385 read:

386 39.523 Placement in out-of-home care; child and family
387 teams; child and family team meetings.-

388 (1) LEGISLATIVE FINDINGS AND INTENT.-

389 (a) The Legislature finds that it is a basic tenet of child
390 welfare practice and the law that a child be placed in the least
391 restrictive, most family-like setting available in close
392 proximity to the home of his or her parents which meets the
393 needs of the child, and that a child be placed in a permanent
394 home in a timely manner.

395 (b) The Legislature ~~also~~ finds that there is an association
396 between placements that do not meet the needs of the child and
397 adverse outcomes for the child, that mismatching placements to
398 children's needs has been identified as a factor that negatively
399 impacts placement stability, and that identifying the right
400 placement for each child requires effective assessment.

401 (c) The Legislature finds that effective assessment is
402 particularly important for young children who are 3 years of age
403 or younger as evidenced by research on the science of attachment
404 and brain development. Such research shows that a stable and
405 nurturing relationship in the first years of life, as well as
406 the quality of such relationships, shape a person's brain

9-00861-21

202180__

407 development, provide a foundation for lifelong mental health,
408 and determine well-being as an adult.

409 (d) The Legislature also finds that there is an increasing
410 body of evidence showing that services for children and families
411 are most effective when delivered in the context of a single,
412 integrated child and family team that includes the child, his or
413 her family, natural and community supports, and professionals
414 who join together to empower, motivate, and strengthen a family
415 and collaboratively develop a plan of care and protection to
416 achieve child safety, child permanency, and child and family
417 well-being.

418 (e) It is the intent of the Legislature that whenever a
419 child is unable to safely remain at home with a parent, the most
420 appropriate available out-of-home placement shall be chosen
421 after an assessment of the child's needs and the availability of
422 caregivers qualified to meet the child's needs.

423 (2) PLACEMENT PRIORITY.-

424 (a) When a child cannot safely remain at home with a
425 parent, out-of-home placement options must be considered in the
426 following order:

427 1. Relative caregiver.

428 2. Non-relative caregivers with a close relationship to the
429 child.

430 3. Licensed foster care.

431 4. Group or congregate care.

432 (b) Sibling groups must be placed in the same placement
433 whenever possible and if placement together is in the best
434 interest of each of the children. Placement decisions for
435 sibling groups must be made pursuant to s. 39.5232.

9-00861-21

202180__

436 (3) CHILD AND FAMILY TEAMS.-

437 (a) Child and family team meetings must be held when an
438 important decision has to be made about the child's life. The
439 purpose of the use of child and family team meetings is to allow
440 better engagement with families and a shared commitment and
441 accountability from the family and their circle of support.
442 Effective team processes support and encourage family members to
443 invite the participation of individuals who are part of the
444 family's own network of informal support to collaborate with
445 formal professionals who support the family. Such collaboration
446 is necessary to make the most informed decision possible for the
447 child.

448 (b) A diverse team is preferable to ensure that the
449 necessary combination of technical skills, cultural knowledge,
450 community resources, and personal relationships is developed and
451 maintained for the child and family. The participants necessary
452 to achieve an appropriately diverse team for a child may vary by
453 child and may include extended family, friends, neighbors,
454 coaches, clergy, coworkers, or others the family identifies as a
455 potential source of support.

456 (c) To achieve a diverse team of informal and formal family
457 supports for the child, the child and family teams:

458 1. Must always include:

459 a. The child;

460 b. The child's family members and other individuals
461 identified by the family as being important;

462 c. The current caregiver;

463 d. A representative from the department;

464 e. The case manager for the child; and

9-00861-21

202180__

- 465 f. A therapist or other behavioral health professional,
466 when applicable.
- 467 2. May also include other professionals, including, but not
468 limited to:
- 469 a. A representative from Children's Medical Services;
470 b. A guardian ad litem, if appointed;
471 c. A school personnel representative who has direct contact
472 with the child; or
- 473 d. Other community providers of services to the child or
474 stakeholders, when applicable.
- 475 3. Must be led by a trained, skilled facilitator to
476 maintain a safe environment by acting as a neutral team member.
477 The facilitator's main responsibility is to help team members
478 use the strengths within the family to develop a safe plan for
479 the child. The plan must then be approved by the team members.
- 480 (d) 1. The child and family must always be the primary
481 focus of each child and family team meeting.
- 482 2. Based on the particular goal of the child and family
483 team meeting, the case manager may determine which individuals
484 listed under subparagraph (c)2. are necessary for the particular
485 meeting.
- 486 3. The case manager shall make every effort to engage
487 extended family and community-based informal supports who are
488 able to continue helping the family after the department is no
489 longer involved.
- 490 (e) Child and family team meetings must be structured to
491 accomplish the stated goal of the meeting and must always ensure
492 that the goal:
- 493 1. Secures a child's safety in the least restrictive and

9-00861-21

202180__

494 intrusive placement that can meet his or her needs;

495 2. Minimizes the trauma associated with separation from the
496 child's family and helps the child to maintain meaningful
497 connections with family members and others who are important to
498 him or her;

499 3. Provides input into the placement decision made by the
500 community-based care lead agency and the services to be provided
501 in order to support the child;

502 4. Provides input into the decision to preserve or maintain
503 the placement, including necessary placement preservation
504 strategies;

505 5. Contributes to an ongoing assessment of the child and
506 the family's strengths and needs;

507 6. Ensures that plans are monitored for progress and that
508 such plans are revised or updated as the child's or family's
509 circumstances change; and

510 7. Facilitates the timely achievement of permanency for the
511 child.

512 (4) ASSESSMENT AND PLACEMENT.—When any child is removed
513 from a home and placed in ~~into~~ out-of-home care, a comprehensive
514 placement assessment process shall be completed to determine the
515 level of care needed by the child and match the child with the
516 most appropriate placement.

517 (a) The community-based care lead agency or subcontracted
518 agency with the responsibility for assessment and placement must
519 coordinate a child and family multidisciplinary team meeting
520 ~~staffing~~ with any available individual currently involved with
521 the child, including, but not limited to, persons enumerated in
522 paragraph (3) (c) ~~a representative from the department and the~~

9-00861-21

202180__

523 ~~case manager for the child; a therapist, attorney ad litem,~~
524 ~~guardian ad litem, teachers, coaches, Children's Medical~~
525 ~~Services; and other community providers of services to the child~~
526 ~~or stakeholders as applicable. The team may also include clergy,~~
527 ~~relatives, and fictive kin if appropriate.~~ Team participants
528 must gather data and information on the child which is known at
529 the time including, but not limited to:

- 530 1. Mental, medical, behavioral health, and medication
531 history;
- 532 2. Community ties and school placement;
- 533 3. Current placement decisions relating to any siblings;
- 534 4. Alleged type of abuse or neglect including sexual abuse
535 and trafficking history; and
- 536 5. The child's age, maturity, strengths, hobbies or
537 activities, and the child's preference for placement.

538 (b) The comprehensive placement assessment process may also
539 include the use of an assessment instrument or tool that is best
540 suited for the individual child.

541 (c) The formation of a child and family team must begin as
542 soon as possible when the child is removed from the home. A
543 child and family team must include collaboration with services
544 providers to ensure that the appropriate services are well-
545 coordinated upon removal and placement in out-of-home care. Team
546 meetings may not be delayed to accommodate pending behavioral
547 health screenings or assessments or pending referrals for
548 services.

549 (d) The child and family team must conduct a supplemental
550 assessment for children 3 years of age or younger. Team
551 participants must gather data and information on the child which

9-00861-21

202180__

552 is known at the time, including, but not limited, to:

553 1. Identified kin and relatives who express interest in
554 caring for the child, including strategies to overcome potential
555 delays in placing the child with such persons if they are
556 suitable.

557 2. The likelihood that the child can remain with the
558 prospective caregiver past the point of initial removal and the
559 willingness of the caregiver to provide care for any duration
560 deemed necessary.

561 3. The prospective caregiver's ability and willingness to:

562 a. Accept supports related to early childhood development
563 and services addressing any possible developmental delays;

564 b. Address the emotional needs of the child and accept
565 infant mental health supports, if needed;

566 c. Help nurture the child during the transition into out-
567 of-home care;

568 d. Work with the parent to build or maintain the attachment
569 relationship between parent and child;

570 e. Effectively co-parent with the parent; and

571 f. Ensure frequent family visits.

572 (e) The most appropriate available out-of-home placement
573 shall be chosen after consideration by all members of the child
574 and family ~~multidisciplinary~~ team of all of the information and
575 data gathered, including the results and recommendations of any
576 evaluations conducted.

577 (f) ~~(d)~~ Placement decisions for each child in out-of-home
578 placement shall be reviewed as often as necessary to ensure
579 permanency for that child and address special issues related to
580 this population of children.

9-00861-21

202180__

581 (g)~~(e)~~ The department, a sheriff's office acting under s.
582 39.3065, a community-based care lead agency, or a case
583 management organization must document all placement assessments
584 and placement decisions in the Florida Safe Families Network.

585 (h)~~(f)~~ If it is determined during the comprehensive
586 placement assessment process that residential treatment as
587 defined in s. 39.407 would be suitable for the child, the
588 procedures in that section must be followed.

589 (i) Notwithstanding any other provision of law, the
590 department may discuss confidential information during the child
591 and family team meeting in the presence of individuals who
592 participate in the meeting. Information collected by any agency
593 or entity that participates in the child and family team meeting
594 which is confidential and exempt upon collection remains
595 confidential and exempt when discussed in meetings required
596 under this section. All individuals who participate in the
597 meeting shall maintain the confidentiality of all information
598 shared during the meeting.

599 (5)~~(3)~~ JUDICIAL REVIEW.—At each judicial review, the court
600 shall consider the results of the assessment, the placement
601 decision made for the child, and services provided to the child
602 as required under s. 39.701.

603 (6)~~(4)~~ DATA COLLECTION.—The department shall collect the
604 following information by community-based care lead agencies and
605 post it on the Department of Children and Families' website. The
606 information is to be updated on January 1 and July 1 of each
607 year.

608 (a) The number of children placed with relatives and
609 nonrelatives, in family foster homes, and in residential group

9-00861-21

202180__

610 care.

611 (b) An inventory of available services that are necessary
612 to maintain children in the least restrictive setting that meets
613 the needs of the child and a plan for filling any identified gap
614 in those services.

615 (c) The number of children who were placed based upon the
616 assessment.

617 (d) An inventory of existing placements for children by
618 type and by community-based care lead agency.

619 (e) The strategies being used by community-based care lead
620 agencies to recruit, train, and support an adequate number of
621 families to provide home-based family care.

622 ~~(7)~~~~(5)~~ RULEMAKING.—The department shall ~~may~~ adopt rules to
623 implement this section.

624 Section 4. Section 39.5321, Florida Statutes, is created to
625 read:

626 39.5321 Placement and education transitions.—

627 (1) LEGISLATIVE FINDINGS AND INTENT.—

628 (a) The Legislature finds that many children in out-of-home
629 care have experienced multiple changes in placement, and those
630 transitions often result in trauma not only for the child, but
631 also for caregivers, families, siblings, and all professionals
632 involved.

633 (b) The Legislature further finds that poorly planned and
634 executed or improperly timed transitions may adversely impact a
635 child's healthy development as well as the child's continuing
636 capacity to trust, attach to others, and build relationships in
637 the future.

638 (c) The Legislature finds that the best child welfare

9-00861-21

202180__

639 practices recognize the need to prioritize the minimization of
640 the number of placements for every child in out-of-home care.
641 Further, the Legislature finds that efforts must be made to
642 support caregivers in order to promote stability. When placement
643 changes are necessary, they must be thoughtfully planned.

644 (d) The Legislature finds that transition plans are
645 critical when moving all children, including infants, toddlers,
646 school-age children, adolescents, and young adults.

647 (e) It is the intent of the Legislature that a placement
648 change or an educational change for a child in out-of-home care
649 be achieved ideally through a period of transition that is
650 unique to each child, provides support for all individuals
651 affected by the change, and has flexible planning to allow for
652 changes necessary to meet the needs of the child.

653 (2) DEFINITIONS.—As used in this section, the term:

654 (a) "Educational change" means any time a child is moved
655 between schools which is not the result of the natural
656 transition from elementary school to middle school or middle
657 school to high school. The term also includes changes in child
658 care or early education programs for infants and toddlers.

659 (b) "Emergency situation" means that there is an imminent
660 risk to the health or safety of the child, other children, or
661 others in the home or facility if the child remains in the
662 placement.

663 (c) "Placement change" means any time a child is moved from
664 one caregiver to another, including moves to a foster home, a
665 group home, relatives, prospective guardians, prospective
666 adoptive parents, and reunification with parents. The term also
667 includes moves between rooms and buildings operated by a group

9-00861-21

202180__

668 home provider.

669 (d) "School" means any child care, early education,
670 elementary, secondary, or postsecondary educational setting.

671 (3) PLACEMENT TRANSITIONS.—

672 (a) Mandatory transition plans.—An individualized
673 transition plan must be created and implemented for each
674 placement change.

675 (b) Minimizing placement transitions.—Once a caregiver
676 accepts the responsibility of caring for a child, the child may
677 be removed from the home of the caregiver only if:

678 1. The caregiver is clearly unable to safely or legally
679 care for the child;

680 2. The child and the birth or legal parent are reunified;

681 3. The child is being placed in a legally permanent home in
682 accordance with a case plan or court order; or

683 4. The removal is demonstrably in the best interests of the
684 child.

685 (c) Services to prevent disruption.—The community-based
686 care lead agency shall provide any supportive services deemed
687 necessary to a caregiver and a child if such child's current
688 out-of-home placement with the caregiver is in danger of needing
689 modification. The supportive services must be offered in an
690 effort to remedy the factors contributing to the placement being
691 considered unsuitable and therefore contributing to the need for
692 a change in placement.

693 (d) Transition planning when there is no emergency
694 situation.—

695 1. If the supportive services provided to the caregiver or
696 child pursuant to paragraph (c) have not been successful to make

9-00861-21

202180__

697 the maintenance of the placement suitable or if there are other
698 circumstances that require the child to be moved, the department
699 or the community-based care lead agency must coordinate a child
700 and family team meeting as required under s. 39.523(3) for the
701 specific purpose of developing an appropriate transition plan
702 for the change in placement.

703 2. At least 14 days before moving a child from one out-of-
704 home placement to another, the department or the community-based
705 care lead agency must provide notice of the planned move and
706 must include in the notice the reason a placement change is
707 necessary. A copy of the notice must be filed with the court and
708 be provided to the:

- 709 a. Child;
710 b. Child's parents, unless prohibited by court order;
711 c. Child's out-of-home caregivers;
712 d. Guardian ad litem, if appointed to the child; and
713 e. Attorney for the department.

714 3. The transition plan must be developed through
715 cooperation among the persons included in subparagraph 2., and
716 such persons must share any relevant information necessary to
717 ensure that the transition plan does all of the following:

- 718 a. Respects the child's developmental stage and
719 psychological needs.
720 b. Ensures the child has all of his or her belongings and
721 is allowed to help pack those belongings when appropriate.
722 c. Allows for a gradual transition from the current
723 caregiver's home with substantial overlap between the two
724 caregivers and provides time for the child to have a final
725 visitation with everyone important to the child from the current

9-00861-21

202180__

726 placement, including pets.

727 d. Allows, when possible, for continued contact with the
728 previous caregiver and others in the home after the child
729 leaves.

730 e. Prohibits a change in placement that occurs between 7
731 p.m. and 8 a.m.

732 4. The department or the community-based care lead agency
733 shall file the transition plan with the court within 48 hours
734 after the creation of such plan and provide a copy of the plan
735 to the persons included in subparagraph 2.

736 (e) Transition planning in an emergency situation.—

737 1. In an emergency situation, a placement change may be
738 made immediately.

739 2. If a child and family team meeting required under s.
740 39.523(3) cannot be held before the child is moved, such meeting
741 must be convened within 72 hours of the immediate change in
742 placement for the specific purpose of developing a transition
743 plan to minimize the impact of the placement change on the
744 child.

745 3. Within 72 hours after a placement change due to an
746 emergency situation, the department or the community-based care
747 lead agency shall provide notice of the emergency placement
748 change and shall include in the notice the reason the placement
749 change was necessary. A copy of the notice must be filed with
750 the court and be provided to the persons included in
751 subparagraph (d)2.

752 4. The transition plan must involve cooperation and
753 information sharing among the persons included in subparagraph
754 (d)2., and such persons must share any relevant information that

9-00861-21

202180__

755 ensures the transition plan does all of the following:

756 a. Respects the child's developmental stage and
757 psychological needs.

758 b. Ensures the child has all of his or her belongings.

759 c. Provides the opportunity for the child to have a final
760 visitation with everyone important to the child, including pets.

761 d. Allows, if possible, for continued contact with the
762 previous caregiver and others in the home after the child
763 leaves.

764 5. The department or the community-based care lead agency
765 shall file the transition plan with the court within 48 hours
766 after the creation of such plan and provide a copy of the plan
767 to the persons included in subparagraph (d)2.

768 (f) Preparation of prospective caregivers before
769 placement.-

770 1. Prospective caregivers must be fully informed of the
771 child's needs and circumstances and be willing and able to
772 accept responsibility for providing high-quality care for such
773 needs and circumstances before placement.

774 2. The community-based care lead agency shall review with
775 the prospective caregiver the caregivers' roles and
776 responsibilities according to the parenting partnerships plan
777 for children in out-of-home care pursuant to s. 409.1415. The
778 case manager shall sign a copy of the parenting partnerships
779 plan and obtain the signature of the prospective caregiver
780 acknowledging explanation of the requirements before placement.

781 (g) Additional considerations for transitions of infants
782 and children under school age.-Relationship patterns over the
783 first year of life are important predictors of future

9-00861-21

202180__

784 relationships. Research demonstrates that babies begin to form a
785 strong attachment to a caregiver at approximately 7 months of
786 age. From that period of time through age 2, moving a child from
787 the caregiver who is the psychological parent is considerably
788 more damaging. Placement decisions must focus on promoting
789 security and continuity for infants and children under 5 years
790 of age in out-of-home care. Transition plans for infants and
791 young children must describe the facts that were considered when
792 each of the following were discussed and must specify what
793 decision was made as to how each of the following applies to the
794 child:

795 1. The age of the child and the child's current ability to
796 accomplish developmental tasks, with consideration made for
797 whether the child is:

798 a. Six months of age or younger, thereby indicating that it
799 may be in the child's best interest to move the child sooner
800 rather than later; or

801 b. One year to 2 years of age, thereby indicating it may
802 not be a healthy time to move the child.

803 2. The length of time the child has lived with the current
804 caregiver, the strength of attachment to the current caregiver,
805 and the harm of disrupting a healthy attachment compared to the
806 possible advantage of a change in placement.

807 3. The relationship, if any, the child has with the new
808 caregiver and whether a reciprocal agreement exists between the
809 current caregiver and the prospective caregiver to maintain the
810 relationship with both caregivers.

811 4. The pace of the transition and whether flexibility
812 exists to accelerate or slow down the transition based on the

9-00861-21

202180__

813 needs and reactions of the child.

814 (4) EDUCATION TRANSITIONS.-

815 (a) Findings.-Children in out-of-home care frequently
816 change child care, early education programs, and schools. These
817 changes can occur when the child first enters out-of-home care,
818 when the child must move from one caregiver to another, or when
819 the child returns home upon reunification. Research shows that
820 children who change schools frequently make less academic
821 progress than their peers and fall further behind with each
822 school change. Additionally, educational instability at any
823 level makes it difficult for children to develop supportive
824 relationships with teachers or peers. State and federal law
825 contain requirements that must be adhered to in order to ensure
826 educational stability for a child in out-of-home care. A child's
827 educational setting should only be changed when maintaining the
828 educational setting is not in the best interest of the child. An
829 individualized transition plan must be created and implemented
830 for every school change.

831 (b) Minimizing school changes.-

832 1. Every effort must be made to keep a child in the school
833 of origin. Any placement decision must include thoughtful
834 consideration of which school a child will attend if a school
835 change is necessary.

836 2. A determination that it is not the child's best interest
837 to remain in the school of origin and which school the child
838 will attend in the future must be made in consultation with the
839 child, parents, caregivers, child welfare professional, guardian
840 ad litem, educational surrogate, child care and educational
841 staff, including teachers and guidance counselors, and school

9-00861-21

202180__

842 district representative or foster care liaison.

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

847 a. The child's desire to remain in the school or program of
848 origin.

849 b. The preference of any of the child's parents or legal
850 guardians.

851 c. Whether the child has siblings, close friends, or
852 mentors at the school or program of origin.

853 d. The child's cultural and community connections in the
854 school or program of origin.

855 e. Whether the child is suspected of having a disability
856 under the Individuals with Disabilities Education Act (IDEA) or
857 s. 504 of the Rehabilitation Act of 1973, or has begun receiving
858 interventions under this state's multitiered system of supports.

859 f. Whether the child has an evaluation pending for special
860 education and related services under IDEA or s. 504 of the
861 Rehabilitation Act of 1973.

862 g. Whether the child is a student with a disability under
863 IDEA who is receiving special education and related services or
864 a student with a disability under s. 504 of the Rehabilitation
865 Act of 1973 who is receiving accommodations and services and, if
866 so, whether those required services are available in a school or
867 program other than the school or program of origin.

868 h. Whether the child is an English Language Learner student
869 and is receiving language services, and, if so, whether those
870 required services are available in a school or program other

9-00861-21

202180__

871 than the school or program of origin.

872 i. The impact a change to the school or program of origin
873 would have on academic credits and progress toward promotion.

874 j. The availability of extracurricular activities important
875 to the child.

876 k. The child's known individualized educational plan or
877 other medical and behavioral health needs and whether such plan
878 or needs are able to be met at a school or program other than
879 the school or program of origin.

880 l. The child's permanency goal and timeframe for achieving
881 permanency.

882 m. The child's history of school transfers and how such
883 transfers have impacted the child academically, emotionally, and
884 behaviorally.

885 n. The length of the commute to the school or program and
886 how it would impact the child.

887 o. The length of time the child has attended the school or
888 program of origin.

889 4. The cost of transportation cannot be a factor in making
890 the best interest determination.

891 (c) *Transitions between child care and early education*
892 programs.—When a child enters out-of-home care or undergoes a
893 change in placement, the child shall, if possible, remain with
894 the familiar child care provider or early education program
895 unless there is an opportunity to transition to a higher quality
896 program. If it is not possible for the child to remain with the
897 familiar child care provider or early education program or
898 transition to a higher quality program, the child's transition
899 plan must be made with the participation of the child's current

9-00861-21

202180__

900 and future school or program. The plan must give the child an
901 opportunity to say goodbye to important figures in the
902 educational environment.

903 (d) *Transitions between K-12 schools.*—The transition plan
904 for a transition between K-12 schools must include all of the
905 following:

906 1. Documentation that the department or community-based
907 care lead agency has made the decision to change the child's
908 school in accordance with paragraph (3) (b). The plan must
909 include a detailed discussion of all factors considered in
910 reaching the decision to change the child's school.

911 2. Documentation that the department or community-based
912 care lead agency has coordinated with local educational agencies
913 to provide immediate and appropriate enrollment in a new school,
914 including transfer of educational records, record of a school-
915 entry health examination, and arrangements for transportation to
916 the new school.

917 3. Discussion of the timing of the proposed school change
918 which addresses the potential impact on the child's education
919 and extracurricular activities. This section must include, at a
920 minimum, grading periods, exam schedules, credit acquisitions,
921 sports eligibility, and extracurricular participation.

922 4. Details concerning the transportation of the child to
923 school.

924 (5) TRANSITION PLAN AND DOCUMENTATION.—

925 (a) The department, in collaboration with the Quality
926 Parenting Initiative, shall develop a form to be completed and
927 updated each time a child in out-of-home care is moved from one
928 placement to another. The updated form must be attached to the

9-00861-21

202180__

929 case record face sheet required to be included in the case file
 930 pursuant to s. 39.00146.

931 (b) The form must be used statewide and, at a minimum, must
 932 include all of the following information:

933 1. The membership of the child and family team convened to
 934 develop a transition plan for the change in placement and the
 935 dates the team met.

936 2. The name of the professional facilitator of the child
 937 and family team meeting.

938 3. The topics considered by the child and family team in
 939 order to ensure an appropriate transition.

940 4. The recommendations of the child and family team and the
 941 name of each individual or entity responsible for carrying out
 942 each recommendation.

943 (c) The department or the community-based care lead agency
 944 shall document all child and family team meetings and placement
 945 transition decisions in the Florida Safe Families Network and
 946 must include the information in the social study report for
 947 judicial review, as required under s. 39.701.

948 (6) RULEMAKING.—The department shall adopt rules to
 949 implement this section.

950 Section 5. Section 39.5232, Florida Statutes, is created to
 951 read:

952 39.5232 Placement of siblings; visitation; continuing
 953 contact.—

954 (1) LEGISLATIVE FINDINGS.—

955 (a) The Legislature finds that sibling relationships can
 956 provide a significant source of continuity throughout a child's
 957 life and are likely to be the longest relationships that most

9-00861-21

202180__

958 individuals experience. Further, the Legislature finds that the
959 placement of siblings together can increase the likelihood of
960 achieving permanency and is associated with a significantly
961 higher rate of family reunification.

962 (b) The Legislature also finds that healthy connections
963 with siblings can serve as a protective factor for children who
964 have been placed in out-of-home care, but for a variety of
965 reasons, siblings may not be placed together or may not have
966 regular contact.

967 (c) The Legislature finds that it is beneficial for a child
968 who is placed in out-of-home care to be able to continue
969 existing relationships with his or her siblings, regardless of
970 age, so that they may share their strengths and association in
971 their everyday and often common experiences.

972 (d) The Legislature also finds that it is the
973 responsibility of all entities and adults involved in a child's
974 life to seek opportunities to foster existing sibling
975 relationships to promote continuity and help to sustain family
976 connections, including, but not limited to, the department,
977 community-based lead agencies, parents, foster parents,
978 guardians ad litem, next of kin, and other persons important to
979 the child.

980 (e) While there is a presumption in law and policy that it
981 is in the best interest of a child going into foster care to be
982 placed with any siblings, the Legislature finds that the
983 importance of prioritizing placement decisions that continue
984 healthy existing sibling relationships may be different than
985 prioritizing a sibling relationship over a healthy existing bond
986 with a caregiver when there is not an existing bond between the

9-00861-21

202180__

987 siblings being evaluated for placement or in which the bond that
988 exists between the siblings is not healthy for all children of
989 that sibling group.

990 (f) The Legislature finds that demographic and situational
991 factors may present challenges for agencies to place siblings
992 together and that child protective investigators and caseworkers
993 should be aware of such factors to ensure that these are not the
994 sole reasons for siblings being unable to be placed together.

995 (2) DEFINITIONS.—As used in this section, the term:

996 (a) "Child and family team" means the team established in
997 s. 39.523(3).

998 (b) "Sibling" means:

999 1. A child who shares a birth parent or legal parent with
1000 one or more other children; or

1001 2. A child who has lived together in a family with one or
1002 more other children whom he or she identifies as siblings.

1003 (3) PLACEMENT OF SIBLINGS IN OUT-OF-HOME CARE.—

1004 (a) General provisions.—

1005 1. Notwithstanding any other provision of law, the
1006 department shall make reasonable efforts to place siblings who
1007 have an existing relationship and are removed from their home in
1008 the same foster, kinship, adoptive, or guardianship home, when
1009 it is in the best interest of each sibling and when an
1010 appropriate, capable, and willing joint placement for the
1011 sibling group is available.

1012 2. If siblings are not placed together, the department must
1013 document in writing in the file and in the case record face
1014 sheet required to be included in the case file pursuant to s.
1015 39.00146 the reasons joint placement was not able to occur and

9-00861-21

202180__

1016 the reasonable efforts the department will make to provide
1017 frequent visitation or other ongoing interaction between the
1018 siblings. Such interaction is not required if there is a
1019 determination that the interaction would be contrary to a
1020 sibling's safety or well-being. This determination must also be
1021 documented in the case file and the case record face sheet.

1022 3. The department and the court are not required to make a
1023 placement or change in placement to develop a relationship
1024 between siblings which did not exist at the time a child is
1025 placed in out-of-home care.

1026 (b) Factors to consider when placing sibling groups.-

1027 1. At the time a child is removed from the home, the
1028 assigned caseworker shall convene a child and family team
1029 meeting to determine and assess the sibling relationships from
1030 the perspective of each child to ensure the best placement of
1031 each child in the sibling group. The child and family team shall
1032 consider the existing emotional ties between and among the
1033 siblings and the degree of harm each child is likely to
1034 experience as a result of separation. Mental health
1035 professionals with expertise in sibling bonding must be included
1036 in a child and family team meeting convened for the purpose of
1037 deciding the placement of a sibling group.

1038 2. The department or the community-based care lead agency
1039 must document in writing any decision to separate siblings in
1040 the case file as required in paragraph (a) and document the
1041 decision in the Florida Safe Families Network. The documentation
1042 must include the efforts made to keep the siblings together, an
1043 assessment of the short-term and long-term effects of separation
1044 on each child and the sibling group as a whole, and a

9-00861-21

202180__

1045 description of the plan for communication or contact between the
1046 children if separation is approved.

1047 3. If, after placement as a sibling group, one child does
1048 not adjust to the placement, the caseworker must convene a child
1049 and family team meeting to determine what is best for all of the
1050 children. The child and family team shall review the current
1051 placement of the sibling group and choose a plan that will be
1052 least detrimental to each child.

1053 4. The department and the community-based care lead
1054 agencies shall periodically reassess sibling placement,
1055 visitation, and other sibling contact decisions in cases where
1056 siblings are separated, not visiting, or not maintaining contact
1057 to determine if a change in placement is warranted.

1058 (c) Additional factors to consider when placing sibling
1059 groups of infants and young children.—The practice of placing
1060 siblings who are removed from the primary home and placed into
1061 out-of-home care together has been adopted as best practice by
1062 the child welfare system. In some instances, the placement of
1063 siblings together occurs at the time the children enter foster
1064 care. However, at other times, a child is born after his or her
1065 siblings are already in out-of-home care. A newborn infant may
1066 or may not enter care upon birth even when an older sibling is
1067 in out-of-home care. If the infant enters out-of-home care, he
1068 or she may be placed in a home separately from any siblings. The
1069 infant might begin life without developing a relationship with
1070 his or her siblings. Even if the newborn infant is not
1071 immediately placed into out-of-home care when his or her
1072 siblings are in such care, the young child may not develop a
1073 relationship with his or her siblings who are in out-of-home

9-00861-21

202180__

1074 care. If the infant or young child is then removed from the
1075 parent's care and placed in out-of-home care into a loving and
1076 nurturing home, the infant or young child will begin to develop
1077 a secure attachment relationship with his or her caregivers. If
1078 the policy of placing siblings together is uniformly followed
1079 without consideration of an existing attachment bond or the
1080 consideration of the individual infant's or young child's needs,
1081 disruption from the primary attachment figure might occur to
1082 place the infant or young child with siblings and a caregiver he
1083 or she does not know. Therefore, when consideration is being
1084 given to determine whether to move an infant or young child from
1085 the current placement to a new placement when such change is
1086 initiated by a sibling relationship that does not currently
1087 exist, the department or community-based lead agency must
1088 consider all of the following additional factors:

1089 1. The presence and quality of current attachment
1090 relationships, including:

1091 a. The quality and length of the attachment to the current
1092 and potential caregiver;

1093 b. The age of the child at placement with the current
1094 caregiver and the child's current age;

1095 c. The ease with which the child is attached to the current
1096 family;

1097 d. Any indications of attachment difficulty in the child's
1098 history; and

1099 e. The number of moves and number of caregivers the child
1100 has experienced.

1101 2. The potential of the new caregiver to be a primary
1102 attachment figure to the infant by ensuring care for the child's

9-00861-21

202180__

1103 physical needs and being willing and available to meet the
1104 child's emotional needs.

1105 3. The quality of sibling relationships between the child's
1106 other siblings and the potential quality of the sibling
1107 relationship that can be formed between the child and his or her
1108 siblings.

1109 4. The consideration of any costs and benefits of
1110 disrupting existing emotional attachments to the primary
1111 caregiver to place a child in a new placement with his or her
1112 siblings, including the:

1113 a. Length and quality of the established and current
1114 primary attachment relationships;

1115 b. Relationships between the child's other siblings and
1116 whether such relationships appear adequate and not stressful or
1117 harmful; and

1118 c. Length and quality of the established and current
1119 primary attachment relationships between the siblings and the
1120 sibling's current caregiver.

1121 5. The ability to establish and maintain sibling visitation
1122 and contact in a manner and schedule that makes sense for the
1123 infant or young child if it is determined that the infant or
1124 young child is to remain with the primary caregivers rather than
1125 be placed with his or her siblings.

1126 (d) *Transitioning a child after a determination.*—If after
1127 considering the provisions and factors described in paragraphs
1128 (a), (b), and (c) it is determined that the child would benefit
1129 from being placed with his or her siblings, it is essential that
1130 the transition to the new home be carried out gradually in
1131 accordance with s. 39.5321.

9-00861-21

202180__

1132 (e) Standards for evaluating sibling placements.—The
1133 department, in collaboration with the Quality Parenting
1134 Initiative, must develop standard protocols for caseworkers
1135 which incorporate the provisions and factors described in
1136 paragraphs (a), (b), and (c) and any other factors deemed
1137 relevant for use in making decisions about when it would be
1138 contrary to a child's well-being or safety to place siblings
1139 together or provide for frequent visitation.

1140 (4) MAINTAINING CONTACT WHEN SIBLINGS ARE SEPARATED.—
1141 Regular contact among a sibling group that cannot be placed
1142 together, especially amongst sibling groups that have existing
1143 attachments to each other, is critical for the sibling group to
1144 maintain the existing bonds and relationships. Caregivers and
1145 professionals play an important role in facilitating contact
1146 between siblings and it is important for caseworkers to address
1147 any caregiver concerns and promote the benefits of sibling
1148 contact. The following practices must be considered to help
1149 maintain or strengthen relationships among separated siblings:

1150 (a) Placement with kinship caregivers who have an
1151 established personal relationship with each child so that even
1152 when siblings cannot be placed together in the same home the
1153 relatives are more likely to facilitate contact.

1154 (b) Placement of siblings geographically near each other,
1155 such as in the same neighborhood or school district, to make it
1156 easier for the siblings to see each other regularly.

1157 (c) If the siblings choose to do so, frequent and regular
1158 visitation to be actively involved in each other's lives and to
1159 participate in celebrations, including, but not limited to,
1160 birthdays, graduations, holidays, school and extracurricular

9-00861-21

202180__

1161 activities, cultural customs, and other milestones.

1162 (d) Utilization of other forms of contact when regular in-
1163 person meetings are not possible or are not sufficient to meet
1164 the needs or desires of the siblings, such as maintaining
1165 frequent contact through letters, e-mail, social media, cards,
1166 or telephone calls.

1167 (e) Coordination of joint outings or summer or weekend camp
1168 experiences to facilitate time together, including, but not
1169 limited to, activities or camps specifically designed for
1170 siblings in out-of-home care.

1171 (f) Utilization of joint respite care to assist the
1172 caregivers who are caring for separated siblings to have needed
1173 breaks while also facilitating contact among the siblings,
1174 including, but not limited to, providing babysitting or respite
1175 care for each other.

1176 (g) Prohibition on withholding communication or visitation
1177 among the siblings as a form of punishment.

1178 (5) ADDITIONAL REQUIREMENTS AND CONSIDERATIONS.-

1179 (a) A caregiver shall respect and support the child's ties
1180 to his or her birth or legal family, including parents,
1181 siblings, and extended family members, and shall assist the
1182 child in maintaining allowable visitation and other forms of
1183 communication. The department and community-based care lead
1184 agency shall provide a caregiver with the information, guidance,
1185 training, and support necessary for fulfilling this
1186 responsibility.

1187 (b) The department shall promptly provide a child as to the
1188 location of and contact information for his or her siblings. If
1189 the existence or location of or contact information for a

9-00861-21

202180__

1190 child's siblings is not known, the department must make
1191 reasonable efforts to ascertain such information.

1192 (c) If it becomes known that a child in out-of-home care
1193 has a sibling of whom the child was previously unaware, the
1194 department or community-based care lead agency must convene a
1195 child and family team meeting within a reasonable amount of time
1196 of the discovery of such sibling to decide if the current
1197 placement or permanency plan requires modification.

1198 (d) If a child's sibling is also in out-of-home care and
1199 such sibling leaves out-of-home care for any reason, including,
1200 but not limited to, emancipation, adoption, or reunification
1201 with his or her parent or guardian, the child has a right to
1202 continued communication with his or her sibling as provided
1203 under this subsection.

1204 (e) The court may limit or restrict communication or
1205 visitation under this subsection only upon a finding by clear
1206 and convincing evidence that the communication or visitation is
1207 harmful to the child. If the court makes such a finding, it must
1208 direct the department to immediately provide services to
1209 ameliorate the harm so that communication and visitation may be
1210 restored as soon as possible.

1211 (6) RULEMAKING AUTHORITY.—The department shall adopt rules
1212 to implement this section.

1213 Section 6. Paragraph (e) of subsection (1) of section
1214 39.806, Florida Statutes, is amended to read:

1215 39.806 Grounds for termination of parental rights.—

1216 (1) Grounds for the termination of parental rights may be
1217 established under any of the following circumstances:

1218 (e) When a child has been adjudicated dependent, a case

9-00861-21

202180__

1219 plan has been filed with the court, and:

1220 1. The child continues to be abused, neglected, or
1221 abandoned by the parent or parents. The failure of the parent or
1222 parents to substantially comply with the case plan for a period
1223 of 12 months after an adjudication of the child as a dependent
1224 child or the child's placement into shelter care, whichever
1225 occurs first, constitutes evidence of continuing abuse, neglect,
1226 or abandonment unless the failure to substantially comply with
1227 the case plan was due to the parent's lack of financial
1228 resources or to the failure of the department to make reasonable
1229 efforts to reunify the parent and child. The 12-month period
1230 begins to run only after the child's placement into shelter care
1231 or the entry of a disposition order placing the custody of the
1232 child with the department or a person other than the parent and
1233 the court's approval of a case plan having the goal of
1234 reunification with the parent, whichever occurs first; or

1235 2. The parent or parents have materially breached the case
1236 plan by their action or inaction. Time is of the essence for
1237 permanency of children in the dependency system. In order to
1238 prove the parent or parents have materially breached the case
1239 plan, the court must find by clear and convincing evidence that
1240 the parent or parents are unlikely or unable to substantially
1241 comply with the case plan before time to comply with the case
1242 plan expires.

1243 3. The child has been in care for any 12 of the last 22
1244 months and the parents have not substantially complied with the
1245 case plan so as to permit reunification under s. 39.522(4) ~~s.~~
1246 ~~39.522(2)~~ unless the failure to substantially comply with the
1247 case plan was due to the parent's lack of financial resources or

9-00861-21

202180__

1248 to the failure of the department to make reasonable efforts to
1249 reunify the parent and child.

1250 Section 7. This act shall take effect October 1, 2021.