

By the Committee on Children, Families, and Elder Affairs; and
Senators Brodeur and Albritton

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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. 39.401, F.S.; requiring the department to
14 determine out-of-home placement based on priority of
15 placements and other factors; amending s. 39.402,
16 F.S.; requiring the department to make reasonable
17 efforts to place a child in out-of-home care based on
18 priority of placements; providing exceptions and other
19 criteria; creating s. 39.4021, F.S.; providing
20 legislative findings; establishing certain placement
21 priorities for out-of-home placements; requiring the
22 department or lead agency to place sibling groups
23 together when possible if in the best interest of each
24 child after considering specified factors; providing
25 construction; creating s. 39.4022, F.S.; providing
26 legislative intent; defining terms; requiring that
27 multidisciplinary teams be established for certain
28 purposes; providing goals for such teams; providing
29 for membership of multidisciplinary team staffings;

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30 authorizing the department or lead agency to invite
31 other participants to attend a team staffing under
32 certain circumstances; providing requirements for
33 multidisciplinary team staffings; requiring that team
34 staffings be held when specified decisions regarding a
35 child must be made; requiring team staffing
36 participants to gather and consider data and
37 information on the child before formulating a
38 decision; providing for the use of an evidence-based
39 assessment instrument or tool; requiring
40 multidisciplinary teams to conduct supplemental
41 assessments for certain children; requiring team
42 participants to gather certain information related to
43 the child for such supplemental assessments; requiring
44 that a consensus decision reached by the team becomes
45 the official position and that specified parties are
46 bound by such consensus decision; providing procedures
47 for when the team does not reach a consensus decision;
48 requiring that the lead agency determine a suitable
49 placement if the team cannot come to a consensus
50 decision; requiring the formation of a team within
51 specified timeframes; requiring the facilitator to
52 file a report with the court within a specified
53 timeframe if the team does not reach a consensus
54 decision; providing requirements for the report;
55 authorizing specified parties to discuss confidential
56 information during a team staffing in the presence of
57 participating individuals; providing that information
58 collected by any agency or entity that participates in

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59 a staffing which is confidential and exempt upon
60 collection remains confidential and exempt when
61 discussed in staffings; requiring individuals who
62 participate in a staffing to maintain the
63 confidentiality of all information shared; providing
64 construction; requiring the department to adopt rules;
65 creating s. 39.4023, F.S.; providing legislative
66 findings and intent; defining terms; providing for the
67 creation of transition plans for specified changes in
68 placement; providing conditions under which a child
69 may be removed from a caregiver's home; requiring
70 community-based care lead agencies to provide services
71 to prevent a change in placement; requiring the
72 department and a community-based care lead agency to
73 convene a multidisciplinary team staffing to develop a
74 transition plan under certain circumstances; requiring
75 the department or community-based care lead agency to
76 provide written notice of a planned placement change;
77 providing requirements for the notice; requiring
78 additional considerations for placement changes for
79 infants and young children; providing findings;
80 providing for determinations to be made to minimize
81 changes in school placements; specifying factors that
82 must be considered when selecting a new school for a
83 child; requiring children who enter out-of-home care
84 or undergo changes in placement to remain with
85 familiar child care providers or early education
86 programs, if possible; providing requirements for
87 transition plans for transitions between K-12 schools;

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88 requiring the department, in collaboration with the
89 Quality Parenting Initiative, to develop a form for a
90 specified purpose; specifying requirements for the
91 form; requiring the department and community-based
92 care lead agencies to document multidisciplinary team
93 staffings and placement transition decisions in the
94 Florida Safe Families Network and include such
95 information in the social study report for judicial
96 review; requiring the department to adopt rules;
97 creating s. 39.4024, F.S.; providing legislative
98 findings; defining terms; requiring the department or
99 lead agency to make reasonable efforts to place
100 siblings in the same foster, kinship, adoptive, or
101 guardianship home when certain conditions are met;
102 requiring the department or lead agency and
103 multidisciplinary team to take certain actions when
104 siblings are not placed together; specifying that the
105 department and court are not required to make a
106 placement or change in placement to develop certain
107 sibling relationships; requiring the department or the
108 lead agency to convene a multidisciplinary team
109 staffing to determine and assess sibling relationships
110 when a child is removed from a home; providing for the
111 placement of sibling groups in certain circumstances;
112 specifying factors for the multidisciplinary team to
113 consider when determining placement or change of
114 placement for children in sibling groups who do not
115 have an existing relationship with siblings; requiring
116 that a child's transition to a new home be carried out

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117 gradually when it is determined that the child would
118 benefit from being placed with siblings; requiring the
119 department, in collaboration with the Quality
120 Parenting Initiative, to develop standard protocols
121 for the department and lead agency for use in making
122 specified decisions about child placement; providing
123 considerations for maintaining contact between
124 siblings when separated; providing duties for
125 caregivers; authorizing the court to limit and
126 restrict communication and visitation upon a finding
127 of clear and convincing evidence that such
128 communication or visitation is harmful to the child;
129 requiring the department and community-based care lead
130 agencies to periodically reassess certain sibling
131 placements in certain instances; requiring the
132 department to provide certain services to prevent
133 disruption in a placement when a child does not adjust
134 to such placement; requiring that a multidisciplinary
135 team staffing is convened when one child does not
136 adjust to placement as a sibling group under certain
137 conditions; requiring the team to review such
138 placement and choose a plan least detrimental to each
139 child; requiring that a multidisciplinary team be
140 convened in certain circumstances where the department
141 or child subsequently identify a sibling; requiring
142 the 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; providing that a

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146 child has a right to continued communication with a
147 sibling when the child's sibling is also in out-of-
148 home care and such sibling leaves out-of-home care for
149 any reason; requiring the department and lead agencies
150 to document in writing decisions to separate siblings
151 in case files and the Florida Safe Families Network;
152 specifying requirements for such documentation;
153 requiring the department to adopt rules; amending s.
154 39.522, F.S.; deleting and relocating criteria for the
155 court to consider when determining whether a legal
156 change of custody is in the best interest of the
157 child; defining the term "change in physical custody";
158 providing a rebuttable presumption that the best
159 interest of a child is to remain in a current
160 placement; providing applicability for such
161 presumption; establishing the manner in which to rebut
162 the presumption; requiring the department or lead
163 agency to notify a caregiver within a specified
164 timeframe of the intent to move a child; requiring the
165 caregiver to provide written notice of objection to
166 such move within a specified time frame; requiring the
167 court to conduct an initial status hearing within a
168 specified timeframe upon receiving specified written
169 notice from a caregiver; prohibiting the department or
170 lead agency from moving a child upon receiving
171 specified written notice from a caregiver; providing
172 for the appointment of an attorney for a child;
173 providing for the appointment of an expert; providing
174 deadlines for an evidentiary hearing; amending s.

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175 39.523, F.S.; requiring the department or lead agency
176 to coordinate a multidisciplinary team staffing for
177 specified purposes; requiring, rather than
178 authorizing, the department to create rules; amending
179 s. 39.806, F.S.; conforming a cross-reference;
180 providing an effective date.

181

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

183

184 Section 1. Section 39.00146, Florida Statutes, is created
185 to read:

186 39.00146 Case record face sheet.—

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

188 (a) "Multidisciplinary team" has the same meaning as
189 provided in s. 39.4022(2).

190 (b) "Placement change" has the same meaning as provided in
191 s. 39.4023(2).

192 (c) "School" has the same meaning as in s. 39.4023(2).

193 (d) "Sibling" has the same meaning as in s. 39.4024(2).

194 (2) The case record of every child under the supervision or
195 in the custody of the department or the department's authorized
196 agents, including community-based care lead agencies and their
197 subcontracted providers, must include a face sheet containing
198 relevant information about the child and his or her case,
199 including at least all of the following:

200 (a) General case information, including, but not limited
201 to:

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

203 2. The current county of residence and the county of

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204 residence at the time of the referral;

205 3. The reason for the referral and any family safety
206 concerns;

207 4. The personal identifying information of the parents or
208 legal custodians who had custody of the child at the time of the
209 referral, including name, date of birth, and county of
210 residence;

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

212 6. The name and contact information of the attorney or
213 attorneys assigned to the case in all capacities, including the
214 attorney or attorneys that represent the department and the
215 parents, and the guardian ad litem, if one has been appointed.

216 (b) The name and contact information for any employees of
217 the department, the department's authorized agents, or providers
218 contracting with the department, including community-based care
219 lead agencies and their subcontracted service providers, who
220 have worked with the child, including the child's current and
221 previous case managers, and the supervisor information for such
222 employees.

223 (c) The personal information of relevant family members and
224 other fictive kin, including, but not limited to, the name and
225 contact information of:

226 1. The child's parents;

227 2. The child's siblings, including the location of their
228 current out-of-home placement, if applicable;

229 3. The child's current caregivers and any previous out-of-
230 home placements;

231 4. Any other caretaking adults; and

232 5. All children in the out-of-home placement, if

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233 applicable.

234 (d) A description of any threats of danger placing the
235 child at imminent risk of removal.

236 (e) A description of individual parent or caregiver
237 concerns for the child.

238 (f) Any concerns that exist regarding the parent or the
239 current caregiver's ability to:

240 1. Maintain a safe home;

241 2. Engage or bond with the child if the child is an infant;

242 3. Structure daily activities that stimulate the child;

243 4. Manage the child's behavior; or

244 5. Make good health decisions for the child.

245 (g) Any transitions in placement the child has experienced
246 since the child's initial placement and a description of how
247 such transitions were accomplished in accordance with s.
248 39.4023.

249 (h) If the child has any siblings and they are not placed
250 in the same out-of-home placement, the reasons the children are
251 not in joint placement and the reasonable efforts that the
252 department or appropriate lead agency will make to provide
253 frequent visitation or other ongoing interaction between the
254 siblings, unless the court determines that the interaction would
255 be contrary to a sibling's safety or well-being in accordance s.
256 39.4024.

257 (i) Information pertaining to recent and upcoming court
258 hearings, including, but not limited to, the date, subject
259 matter, and county of court jurisdiction of the most recent and
260 next scheduled court hearing.

261 (j) Any other information the department, the department's

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262 authorized agents, or providers contracting with the department,
263 including community-based care lead agencies deem relevant.

264 (3) The department, the department's authorized agents, or
265 providers contracting with the department, including community-
266 based care lead agencies, must ensure that the face sheet for
267 each case is updated at least once per month. This requirement
268 includes ensuring that the department, its authorized agents, or
269 providers contracting with the department gather any relevant
270 information from any subcontracted providers who provide
271 services for the case record information required to be included
272 under this section.

273 (4) The department shall adopt rules to implement this
274 section.

275 Section 2. Subsection (3) of section 39.401, Florida
276 Statutes, is amended to read:

277 39.401 Taking a child alleged to be dependent into custody;
278 law enforcement officers and authorized agents of the
279 department.—

280 (3) If the child is taken into custody by, or is delivered
281 to, an authorized agent of the department, the agent shall
282 review the facts supporting the removal with an attorney
283 representing the department. The purpose of the review is to
284 determine whether there is probable cause for the filing of a
285 shelter petition.

286 (a) If the facts are not sufficient, the child shall
287 immediately be returned to the custody of the parent or legal
288 custodian.

289 (b) If the facts are sufficient and the child has not been
290 returned to the custody of the parent or legal custodian, the

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291 department shall file the petition and schedule a hearing, and
292 the attorney representing the department shall request that a
293 shelter hearing be held within 24 hours after the removal of the
294 child.

295 (c) While awaiting the shelter hearing, the authorized
296 agent of the department may place the child in out-of-home care,
297 and placement shall be determined based on priority of
298 placements as provided in s. 39.4021 and what is in the child's
299 best interest based on the criteria and factors set out in s.
300 39.4022 ~~licensed shelter care or may release the child to a~~
301 ~~parent or legal custodian or responsible adult relative or the~~
302 ~~adoptive parent of the child's sibling who shall be given~~
303 ~~priority consideration over a licensed placement, or a~~
304 ~~responsible adult approved by the department if this is in the~~
305 ~~best interests of the child.~~

306 (d) Placement of a child which is not in a licensed shelter
307 must be preceded by a criminal history records check as required
308 under s. 39.0138.

309 (e) In addition, the department may authorize placement of
310 a housekeeper/homemaker in the home of a child alleged to be
311 dependent until the parent or legal custodian assumes care of
312 the child.

313 Section 3. Paragraph (h) of subsection (8) of section
314 39.402, Florida Statutes, is amended to read:

315 39.402 Placement in a shelter.—

316 (8)

317 (h) The order for placement of a child in shelter care must
318 identify the parties present at the hearing and must contain
319 written findings:

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320 1. That placement in shelter care is necessary based on the
321 criteria in subsections (1) and (2).

322 2. That placement in shelter care is in the best interest
323 of the child.

324 3. That continuation of the child in the home is contrary
325 to the welfare of the child because the home situation presents
326 a substantial and immediate danger to the child's physical,
327 mental, or emotional health or safety which cannot be mitigated
328 by the provision of preventive services.

329 4. That based upon the allegations of the petition for
330 placement in shelter care, there is probable cause to believe
331 that the child is dependent or that the court needs additional
332 time, which may not exceed 72 hours, in which to obtain and
333 review documents pertaining to the family in order to
334 appropriately determine the risk to the child.

335 5. That the department has made reasonable efforts to
336 prevent or eliminate the need for removal of the child from the
337 home. A finding of reasonable effort by the department to
338 prevent or eliminate the need for removal may be made and the
339 department is deemed to have made reasonable efforts to prevent
340 or eliminate the need for removal if:

341 a. The first contact of the department with the family
342 occurs during an emergency;

343 b. The appraisal of the home situation by the department
344 indicates that the home situation presents a substantial and
345 immediate danger to the child's physical, mental, or emotional
346 health or safety which cannot be mitigated by the provision of
347 preventive services;

348 c. The child cannot safely remain at home, either because

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349 there are no preventive services that can ensure the health and
350 safety of the child or because, even with appropriate and
351 available services being provided, the health and safety of the
352 child cannot be ensured; or

353 d. The parent or legal custodian is alleged to have
354 committed any of the acts listed as grounds for expedited
355 termination of parental rights in s. 39.806(1)(f)-(i).

356 6. That the department has made reasonable efforts to place
357 the child in order of priority as provided in s. 39.4021 unless
358 such priority placement is not a placement option or in the best
359 interest of the child based on the criteria and factors set out
360 in s. 39.4022.

361 7. That the department has made reasonable efforts to keep
362 siblings together if they are removed and placed in out-of-home
363 care unless such placement is not in the best interest of each
364 child. It is preferred that siblings be kept together in a
365 foster home, if available. Other reasonable efforts shall
366 include short-term placement in a group home with the ability to
367 accommodate sibling groups if such a placement is available. The
368 department shall report to the court its efforts to place
369 siblings together unless the court finds that such placement is
370 not in the best interest of a child or his or her sibling.

371 ~~8.7.~~ That the court notified the parents, relatives that
372 are providing out-of-home care for the child, or legal
373 custodians of the time, date, and location of the next
374 dependency hearing and of the importance of the active
375 participation of the parents, relatives that are providing out-
376 of-home care for the child, or legal custodians in all
377 proceedings and hearings.

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378 ~~9.8.~~ That the court notified the parents or legal
379 custodians of their right to counsel to represent them at the
380 shelter hearing and at each subsequent hearing or proceeding,
381 and the right of the parents to appointed counsel, pursuant to
382 the procedures set forth in s. 39.013.

383 ~~10.9.~~ That the court notified relatives who are providing
384 out-of-home care for a child as a result of the shelter petition
385 being granted that they have the right to attend all subsequent
386 hearings, to submit reports to the court, and to speak to the
387 court regarding the child, if they so desire.

388 ~~11.10.~~ That the department has placement and care
389 responsibility for any child who is not placed in the care of a
390 parent at the conclusion of the shelter hearing.

391 Section 4. Section 39.4021, Florida Statutes, is created to
392 read:

393 39.4021 Priority placement for out-of-home placements.-

394 (1) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds
395 that it is a basic tenet of child welfare practice and the law
396 that a child be placed in the least restrictive, most family-
397 like setting available in close proximity to the home of his or
398 her parents which meets the needs of the child, and that a child
399 be placed in a permanent home in a timely manner.

400 (2) PLACEMENT PRIORITY.-

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

404 1. Non-offending parent.

405 2. Relative caregiver.

406 3. Adoptive parent of the child's sibling.

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407 4. Fictive kin, with a close existing relationship to the
408 child.

409 5. Licensed foster care.

410 6. Group or congregate care.

411 (b) Sibling groups must be placed in the same placement
412 whenever possible and if placement together is in the best
413 interest of each of child in the sibling group. Placement
414 decisions for sibling groups must be made pursuant to ss.
415 39.4022 and 39.4024.

416 (c) Except as otherwise provided for in this chapter, a
417 change to a child's physical or legal placement after the child
418 has been sheltered but before the child has achieved permanency
419 must be made in compliance with this section.

420 Section 5. Section 39.4022, Florida Statutes, is created to
421 read:

422 39.4022 Multidisciplinary teams; staffings; assessments;
423 report.-

424 (1) LEGISLATIVE INTENT.-

425 (a) The Legislature finds that services for children and
426 families are most effective when delivered in the context of a
427 single integrated multidisciplinary team staffing that includes
428 the child, his or her family, natural and community supports,
429 and professionals who join together to empower, motivate, and
430 strengthen a family and collaboratively develop a plan of care
431 and protection to achieve child safety, child permanency, and
432 child and family well-being.

433 (b) The Legislature also finds that effective assessment
434 through an integrated multidisciplinary team is particularly
435 important for children who are vulnerable due to existing

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436 histories of trauma which led to the child's entrance into the
437 child welfare system. This assessment is especially important
438 for young children who are 3 years of age or younger, as a
439 result of the enhanced need for such children to have healthy
440 and stable attachments to assist with necessary brain
441 development. Stable and nurturing relationships in the first
442 years of life, as well as the quality of such relationships, are
443 integral to healthy brain development, providing a foundation
444 for lifelong mental health and determining well-being as an
445 adult.

446 (2) DEFINITIONS.—For purposes of this section, the term:

447 (a) "Change in physical custody" means a change by the
448 department or the community-based care lead agency to the
449 child's physical residential address, even when such change does
450 not require a court order changing the legal custody of the
451 child.

452 (b) "Multidisciplinary team" means an integrated group of
453 individuals which meets to collaboratively develop and attempt
454 to reach a consensus decision on the most suitable out-of-home
455 placement, educational placement, or other specified important
456 life decision that is in the best interest of the child.

457 (3) CREATION AND GOALS.—

458 (a) Multidisciplinary teams must be established for the
459 purpose of allowing better engagement with families and a shared
460 commitment and accountability from the family and their circle
461 of support.

462 (b) The multidisciplinary teams must adhere to the
463 following goals:

464 1. Secure a child's safety in the least restrictive and

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465 intrusive placement that can meet his or her needs;

466 2. Minimize the trauma associated with separation from the
467 child's family and help the child to maintain meaningful
468 connections with family members and others who are important to
469 him or her;

470 3. Provide input into the placement decision made by the
471 community-based care lead agency and the services to be provided
472 in order to support the child;

473 4. Provide input into the decision to preserve or maintain
474 the placement, including necessary placement preservation
475 strategies;

476 5. Contribute to an ongoing assessment of the child and the
477 family's strengths and needs;

478 6. Ensure that plans are monitored for progress and that
479 such plans are revised or updated as the child's or family's
480 circumstances change; and

481 7. Ensure that the child and family always remain the
482 primary focus of each multidisciplinary team meeting.

483 (4) PARTICIPANTS.—

484 (a) Collaboration among diverse individuals who are part of
485 the child's network is necessary to make the most informed
486 decisions possible for the child. A diverse team is preferable
487 to ensure that the necessary combination of technical skills,
488 cultural knowledge, community resources, and personal
489 relationships is developed and maintained for the child and
490 family. The participants necessary to achieve an appropriately
491 diverse team for a child may vary by child and may include
492 extended family, friends, neighbors, coaches, clergy, coworkers,
493 or others the family identifies as potential sources of support.

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494 Each multidisciplinary team staffing must consist of the
495 following members:

496 1. The child, unless he or she is not of an age or capacity
497 to participate in the team;

498 2. The child's family members and other individuals
499 identified by the family as being important;

500 3. The current caregiver;

501 4. A representative from the department; and

502 5. The case manager for the child.

503 (b) Based on the particular goal the multidisciplinary team
504 staffing identifies as the purpose of convening the staffing as
505 provided under subsection (5), the department or lead agency may
506 also invite to the meeting other professionals, including, but
507 not limited to:

508 1. A representative from Children's Medical Services;

509 2. A guardian ad litem, if one is appointed;

510 3. A school personnel representative who has direct contact
511 with the child;

512 4. A therapist or other behavioral health professional, if
513 applicable.

514 5. A mental health professional with expertise in sibling
515 bonding, if applicable; or

516 6. Other community providers of services to the child or
517 stakeholders, when applicable.

518 (c) Each multidisciplinary team staffing must be led by a
519 person who serves as a facilitator and whose main responsibility
520 is to help team participants use the strengths within the family
521 to develop a safe plan for the child. The person serving as the
522 facilitator must be a trained professional who is otherwise

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523 required to attend the multidisciplinary team staffing under
524 this section in his or her official capacity. Further, the
525 trained professional serving as the facilitator does not need to
526 be the same person for each meeting convened in a child's case
527 under this section or in the service area of the designated lead
528 agency handling a child's case.

529 (5) SCOPE OF MULTIDISCIPLINARY TEAM.—A multidisciplinary
530 team staffing must be held when an important decision is
531 required to be made about a child's life, including all of the
532 following:

533 (a) Initial placement decisions for a child who is placed
534 in out-of-home care.

535 (b) Changes in physical custody after the child is placed
536 in out-of-home care by a court and, if necessary, determination
537 of an appropriate mandatory transition plan in accordance with
538 s. 39.4023.

539 (c) Changes in a child's educational placement and, if
540 necessary, determination of an appropriate mandatory transition
541 plan in accordance with s. 39.4023.

542 (d) Placement decisions for a child as required by
543 paragraphs (a), (b), or (c) which involve sibling groups that
544 require placement in accordance with s. 39.4024.

545 (e) Any other important decisions in the child's life which
546 are so complex that the department or appropriate community-
547 based lead agency determines convening a multidisciplinary team
548 staffing is necessary to ensure the best interest of the child
549 is maintained.

550 (6) ASSESSMENTS.—

551 (a)1. The multidisciplinary team staffing participants

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552 must, before formulating a decision under this section, gather
553 and consider data and information on the child which is known at
554 the time, including, but not limited to:

555 a. The child's age, maturity, and strengths;

556 b. Mental, medical, behavioral health, and medication
557 history;

558 c. Community ties and school placement;

559 d. The stability and longevity of the child's current
560 placement;

561 e. The established bonded relationship between the child
562 and the current or proposed caregiver;

563 f. The child's previous and current relationship with a
564 sibling, if the change in physical custody or placement will
565 separate or reunite siblings, evaluated in accordance with s.
566 39.4024;

567 g. The physical, mental, and emotional health benefits to
568 the child by remaining in his or her current placement or moving
569 to the proposed placement;

570 h. The reasonable preference of the child, if the court has
571 found that the child is of sufficient intelligence,
572 understanding, and experience to express a preference;

573 i. The recommendation of the child's current caregiver, if
574 applicable;

575 j. The recommendation of the child's guardian ad litem, if
576 one has been appointed;

577 k. The likelihood of the child attaining permanency in the
578 current or proposed placement;

579 l. The likelihood that the child will have to change
580 schools or day care placement, the impact of such a change, and

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581 the parties' recommendations as to the timing of the change
582 including an education transition plan required under s.
583 39.4023;

584 m. The disruption of continuity of care with medical,
585 mental health, behavioral health, dental, or other treatment
586 services the child is receiving at the time of the change of
587 custody decision;

588 n. The allegations of any abuse, abandonment, or neglect,
589 including sexual abuse and trafficking history, which caused the
590 child to be placed in out-of-home care and any history of
591 additional allegations of abuse, abandonment, or neglect;

592 o. The impact on activities that are important to the
593 child, including the ability of the child to continue in such
594 activities;

595 p. The impact on the child's future access to education,
596 Medicaid, and independent living benefits; and

597 q. Any other relevant factors.

598 2. Multidisciplinary team staffings may not be delayed to
599 accommodate pending behavioral health screenings or assessments
600 or pending referrals for services.

601 (b) The assessment conducted by the multidisciplinary team
602 may also use an evidence-based assessment instrument or tool
603 that is best suited for determining the specific decision of the
604 staffing and the needs of that individual child and family.

605 (c) To adequately prepare for a multidisciplinary staffing
606 team meeting to consider a decision related to a child 3 years
607 of age or younger, all of the following information on the child
608 which is known at the time must be gathered and considered by
609 the team:

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610 1. Identified kin and relatives who express interest in
611 caring for the child, including strategies to overcome potential
612 delays in placing the child with such persons if they are
613 suitable.

614 2. The likelihood that the child can remain with the
615 prospective caregiver past the point of initial removal and
616 placement with, or subsequent transition to, the caregiver and
617 the willingness of the caregiver to provide care for any
618 duration deemed necessary if placement is made.

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

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

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

624 c. Help nurture the child during the transition into out-
625 of-home care;

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

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

629 f. Ensure frequent family visits and sibling visits.

630 4. Placement decisions for each child in out-of-home
631 placement which are made under this paragraph must be reviewed
632 as often as necessary to ensure permanency for that child and to
633 address special issues that may arise which are unique to
634 younger children.

635 (d)1. If the participants of a multidisciplinary team
636 staffing reach a consensus decision, it becomes the official
637 position of the community-based care lead agency regarding the
638 decision under subsection (5) for which the team convened. Such

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639 decision is binding upon all department and lead agency
640 participants, who are obligated to support it.

641 2. If the participants of a multidisciplinary team staffing
642 cannot reach a consensus decision, the trained professional
643 acting as the facilitator must attempt to bring at least the
644 lead agency's staff to a decision that all participants can
645 support. If there is disagreement even among lead agency staff,
646 the multidisciplinary team may request a review of the decision
647 from a designated, high level administrator within the
648 community-based care lead agency and such person's decision
649 becomes the official position for the decision under subsection
650 (5) for which the team was convened.

651 3. If the multidisciplinary team cannot agree on the
652 placement, it is the responsibility of the placing lead agency
653 to determine the most appropriate placement for the child in
654 order to achieve the goals of child safety, permanency, and
655 well-being.

656 (7) CONVENING A TEAM UPON REMOVAL.—The formation of a
657 multidisciplinary team staffing must begin as soon as possible
658 when a child is removed from a home. The multidisciplinary team
659 must convene a staffing no later than 72 hours from the date of
660 a subsequent removal in an emergency situation as that term is
661 defined in s. 39.4023(2) and in accordance with s. 39.4023.

662 (8) REPORT.—If a multidisciplinary team staffing fails to
663 reach a consensus decision, the facilitator must prepare and
664 submit a written report to the court within 5 business days
665 after the conclusion of the staffing which details the decision
666 made at the conclusion of the multidisciplinary team staffing
667 under subsection (6) and the positions of the staffing's

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668 participants.

669 (9) CONFIDENTIALITY.—Notwithstanding any other provision of
670 law, participants representing the department and the community-
671 based care lead agency may discuss confidential information
672 during a multidisciplinary team staffing in the presence of
673 individuals who participate in the staffing. Information
674 collected by any agency or entity that participates in the
675 multidisciplinary team staffing which is confidential and exempt
676 upon collection remains confidential and exempt when discussed
677 in a staffing required under this section. All individuals who
678 participate in the staffing shall maintain the confidentiality
679 of any information shared during the staffing.

680 (10) CONSTRUCTION.—This section may not be construed to
681 mean that multidisciplinary team staffings coordinated by the
682 department or the appropriate lead agency for purposes other
683 than those provided for in subsection (5) before October 1,
684 2021, are no longer required to be conducted or are required to
685 be conducted in accordance with this section.

686 (11) RULEMAKING.—The department shall adopt rules to
687 implement this section.

688 Section 6. Section 39.4023, Florida Statutes, is created to
689 read:

690 39.4023 Placement and education transitions; transition
691 plans.—

692 (1) LEGISLATIVE FINDINGS AND INTENT.—

693 (a) The Legislature finds that many children in out-of-home
694 care experience multiple changes in placement, and those
695 transitions often result in trauma not only for the child but
696 also for caregivers, families, siblings, and all professionals

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697 involved.

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

703 (c) The Legislature finds that the best child welfare
704 practices recognize the need to prioritize the minimization of
705 the number of placements for every child in out-of-home care.
706 Further, the Legislature finds that efforts must be made to
707 support caregivers in order to promote stability. When placement
708 changes are necessary, they must be thoughtfully planned.

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

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

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

719 (a) "Educational change" means any time a child is moved
720 between schools when such move is not the result of the natural
721 transition from elementary school to middle school or middle
722 school to high school. The term also includes changes in child
723 care or early education programs for infants and toddlers.

724 (b) "Emergency situation" means that there is an imminent
725 risk to the health or safety of the child, other children, or

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726 others in the home or facility if the child remains in the
727 placement.

728 (c) "Placement change" means any time a child is moved from
729 one caregiver to another, including moves to a foster home, a
730 group home, relatives, prospective guardians, prospective
731 adoptive parents, and reunification with parents. The term also
732 includes moves between rooms and buildings operated by a group
733 home provider.

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

736 (3) PLACEMENT TRANSITIONS.—

737 (a) Mandatory transition plans.—Except as otherwise
738 provided, the department or the community-based lead agency
739 shall create and implement an individualized transition plan
740 before each placement change experienced by a child.

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

- 744 1. The caregiver is unwilling or unable to safely or
745 legally care for the child;
746 2. The child and the birth or legal parent are reunified;
747 3. The child is being placed in a legally permanent home in
748 accordance with a case plan or court order; or
749 4. The removal is demonstrably in the best interest of the
750 child.

751 (c) Services to prevent disruption.—The community-based
752 care lead agency shall provide any supportive services deemed
753 necessary to a caregiver and a child if the child's current out-
754 of-home placement with the caregiver is in danger of needing

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755 modification. The supportive services must be offered in an
756 effort to remedy the factors contributing to the placement being
757 considered unsuitable and therefore contributing to the need for
758 a change in placement.

759 (d) Transition planning.—

760 1. If the supportive services provided pursuant to
761 paragraph (c) have not been successful to make the maintenance
762 of the placement suitable or if there are other circumstances
763 that require the child to be moved, the department or the
764 community-based care lead agency must convene a
765 multidisciplinary team staffing as required under s. 39.4022
766 before the child's placement is changed, or within 72 hours of
767 moving the child in an emergency situation, for the purpose of
768 developing an appropriate transition plan.

769 2. A placement change may occur immediately in an emergency
770 situation without a convening a multidisciplinary team staffing.
771 However, a multidisciplinary team staffing must be held within
772 72 hours after the emergency situation arises.

773 3. At least 14 days before moving a child from one out-of-
774 home placement to another or within 72 hours after an emergency
775 situation, the department or the community-based care lead
776 agency must provide written notice of the planned move and must
777 include in the notice the reason a placement change is
778 necessary. A copy of the notice must be filed with the court and
779 be provided to:

780 a. The child, unless he or she, due to age or capacity, is
781 unable to comprehend the written notice, which will necessitate
782 the department or lead agency to provide notice in an age- and
783 capacity-appropriate alternative manner;

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784 b. The child's parents, unless prohibited by court order;

785 c. The child's out-of-home caregiver;

786 d. The guardian ad litem, if one is appointed; and

787 e. The attorney for the department.

788 4. The transition plan must be developed through
789 cooperation among the persons included in subparagraph 3., and
790 such persons must share any relevant information necessary to
791 ensure that the transition plan does all of the following:

792 a. Respects the child's developmental stage and
793 psychological needs.

794 b. Ensures the child has all of his or her belongings and
795 is allowed to help pack those belongings when appropriate.

796 c. Allows for a gradual transition from the current
797 caregiver's home with substantial overlap between the two
798 caregivers and provides time for the child to have a final
799 visitation with everyone important to the child from the current
800 placement, including pets.

801 d. Allows, when possible, for continued contact with the
802 previous caregiver and others in the home after the child
803 leaves.

804 e. Prohibits a placement change which occurs between 7 p.m.
805 and 8 a.m.

806 5. The department or the community-based care lead agency
807 shall file the transition plan with the court within 48 hours
808 after the creation of such plan and provide a copy of the plan
809 to the persons included in subparagraph 3.

810 (e) *Additional considerations for transitions of infants*
811 *and children under school age.*—Relationship patterns over the
812 first year of life are important predictors of future

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813 relationships. Research demonstrates that babies begin to form a
814 strong attachment to a caregiver at approximately 7 months of
815 age. From that period of time through age 2, moving a child from
816 a caregiver who is the psychological parent is considerably more
817 damaging. Placement decisions must focus on promoting security
818 and continuity for infants and children under 5 years of age in
819 out-of-home care. Transition plans for infants and young
820 children must describe the facts that were considered when each
821 of the following were discussed and must specify what decision
822 was made as to how each of the following applies to the child:

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

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

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

831 2. The length of time the child has lived with the current
832 caregiver, the strength of attachment to the current caregiver,
833 and the harm of disrupting a healthy attachment compared to the
834 possible advantage of a change in placement.

835 3. The relationship, if any, the child has with the new
836 caregiver and whether a reciprocal agreement exists between the
837 current caregiver and the prospective caregiver to maintain the
838 child's relationship with both caregivers.

839 4. The pace of the transition and whether flexibility
840 exists to accelerate or slow down the transition based on the
841 child's needs and reactions.

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842 (f) Preparation of prospective caregivers before
843 placement.—

844 1. Prospective caregivers must be fully informed of the
845 child's needs and circumstances and be willing and able to
846 accept responsibility for providing high-quality care for such
847 needs and circumstances before placement.

848 2. The community-based care lead agency shall review with
849 the prospective caregiver the caregiver's roles and
850 responsibilities according to the parenting partnerships plan
851 for children in out-of-home care pursuant to s. 409.1415. The
852 case manager shall sign a copy of the parenting partnerships
853 plan and obtain the signature of the prospective caregiver
854 acknowledging explanation of the requirements before placement.

855 (4) EDUCATION TRANSITIONS.—

856 (a) Findings.—Children in out-of-home care frequently
857 change child care, early education programs, and schools. These
858 changes can occur when the child first enters out-of-home care,
859 when the child must move from one caregiver to another, or when
860 the child returns home upon reunification. Research shows that
861 children who change schools frequently make less academic
862 progress than their peers and fall further behind with each
863 school change. Additionally, educational instability at any
864 level makes it difficult for children to develop supportive
865 relationships with teachers or peers. State and federal law
866 contain requirements that must be adhered to in order to ensure
867 educational stability for a child in out-of-home care. A child's
868 educational setting should only be changed when maintaining the
869 educational setting is not in the best interest of the child.

870 (b) Mandatory educational transition plans.—The department

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871 or the community-based care lead agency shall create and
872 implement an individualized transition plan each time a child
873 experiences a school change.

874 (c) Minimizing school changes.—

875 1. Every effort must be made to keep a child in the school
876 of origin. Any placement decision must include thoughtful
877 consideration of which school a child will attend if a school
878 change is necessary.

879 2. A determination that it is not the child's best interest
880 to remain in the school of origin and which school the child
881 will attend in the future must be made in consultation with the
882 child; the parents; the caregiver; the child welfare
883 professional; the guardian ad litem, the educational surrogate
884 child care and educational staff, including teachers and
885 guidance counselors; and the school district representative or
886 foster care liaison.

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

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

893 b. The preference of the child's parents or legal
894 guardians.

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

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

899 e. Whether the child is suspected of having a disability

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900 under the Individuals with Disabilities Education Act (IDEA) or
901 s. 504 of the Rehabilitation Act of 1973, or has begun receiving
902 interventions under this state's multitiered system of supports.

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

906 g. Whether the child is a student with a disability under
907 IDEA who is receiving special education and related services or
908 a student with a disability under s. 504 of the Rehabilitation
909 Act of 1973 who is receiving accommodations and services and, if
910 so, whether those required services are available in a school or
911 program other than the school or program of origin.

912 h. Whether the child is an English Language Learner student
913 and is receiving language services, and if so, whether those
914 required services are available in a school or program other
915 than the school or program of origin.

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

918 j. The availability of extracurricular activities important
919 to the child.

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

924 l. The child's permanency goal and timeframe for achieving
925 permanency.

926 m. The child's history of school transfers and how such
927 transfers have impacted the child academically, emotionally, and
928 behaviorally.

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929 n. The length of the commute to the school or program from
930 the child's home or placement and how such commute would impact
931 the child.

932 o. The length of time the child has attended the school or
933 program of origin.

934 4. The cost of transportation cannot be a factor in making
935 a best interest determination.

936 (d) *Transitions between child care and early education*
937 *programs.*—When a child enters out-of-home care or undergoes a
938 placement change, the child shall, if possible, remain with a
939 familiar child care provider or early education program unless
940 there is an opportunity to transition to a higher quality
941 program. If it is not possible for the child to remain with the
942 familiar child care provider or early education program or
943 transition to a higher quality program, the child's transition
944 plan must be made with the participation of the child's current
945 and future school or program. The plan must give the child an
946 opportunity to say goodbye to important figures in the
947 educational environment.

948 (e) *Transitions between K-12 schools.*—The transition plan
949 for a transition between K-12 schools must include all of the
950 following:

951 1. Documentation that the department or community-based
952 care lead agency has made the decision to change the child's
953 school in accordance with paragraph (c). The plan must include a
954 detailed discussion of all factors considered in reaching the
955 decision to change the child's school.

956 2. Documentation that the department or community-based
957 care lead agency has coordinated with local educational agencies

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958 to provide immediate and appropriate enrollment in a new school,
959 including transfer of educational records, any record of a
960 school-entry health examination, and arrangements for
961 transportation to the new school.

962 3. Discussion of the timing of the proposed school change
963 which addresses the potential impact on the child's education
964 and extracurricular activities. This section must include, at a
965 minimum, grading periods, exam schedules, credit acquisitions,
966 sports eligibility, and extracurricular participation.

967 4. Details concerning the transportation of the child to
968 school.

969 (5) TRANSITION PLAN AND DOCUMENTATION.—

970 (a) The department, in collaboration with the Quality
971 Parenting Initiative, shall develop a form to be completed and
972 updated each time a child in out-of-home care is moved from one
973 placement to another.

974 (b) A completed form must be attached to the case record
975 face sheet required to be included in the case file pursuant to
976 s. 39.00146. The form must be used statewide and, at a minimum,
977 must include all of the following information:

978 1. The membership of the multidisciplinary team staffing
979 convened under s. 39.4022 to develop a transition plan for the
980 change in placement and the dates on which the team met.

981 2. The name of the person who served as the facilitator in
982 that specific multidisciplinary team staffing.

983 3. The topics considered by the multidisciplinary team
984 staffing in order to ensure an appropriate transition.

985 4. The recommendations of the multidisciplinary team and
986 the name of each individual or entity responsible for carrying

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987 out each recommendation.

988 (c) The department or the community-based care lead agency
989 shall document all multidisciplinary team staffings and
990 placement transition decisions in the Florida Safe Families
991 Network and must include the information in the social study
992 report for judicial review, as required under s. 39.701.

993 (6) RULEMAKING.—The department shall adopt rules to
994 implement this section.

995 Section 7. Section 39.4024, Florida Statutes, is created to
996 read:

997 39.4024 Placement of siblings; visitation; continuing
998 contact.—

999 (1) LEGISLATIVE FINDINGS.—

1000 (a) The Legislature finds that sibling relationships can
1001 provide a significant source of continuity throughout a child's
1002 life and are likely to be the longest relationships that most
1003 individuals experience. Further, the placement of siblings
1004 together can increase the likelihood of achieving permanency and
1005 is associated with a significantly higher rate of family
1006 reunification.

1007 (b) The Legislature finds that it is beneficial for a child
1008 who is placed in out-of-home care to be able to continue
1009 existing relationships with his or her siblings, regardless of
1010 age, so that they may share their strengths and association in
1011 their everyday and often common experiences.

1012 (c) The Legislature also finds that healthy connections
1013 with siblings can serve as a protective factor for children who
1014 have been placed in out-of-home care. The Legislature finds that
1015 child protective investigators and caseworkers should be aware

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1016 of the variety of demographic and external situational factors
1017 that may present challenges to placement in order to identify
1018 such factors relevant to a particular group of siblings and
1019 ensure that these factors are not the sole reasons that siblings
1020 are not placed together.

1021 (d) The Legislature also finds that it is the
1022 responsibility of all entities and adults involved in a child's
1023 life, including, but not limited to, the department, community-
1024 based lead agencies, parents, foster parents, guardians ad
1025 litem, next of kin, and other persons important to the child to
1026 seek opportunities to foster sibling relationships to promote
1027 continuity and help sustain family connections.

1028 (e) While there is a presumption in law and policy that it
1029 is in the best interest of a child going into out-of-home care
1030 to be placed with any siblings, the Legislature finds that
1031 overall well-being of the child and family improves when the
1032 person or team responsible for placement decisions evaluates the
1033 child's sibling and family bonds and prioritizes the bonds that
1034 are unique drivers of the child's ability to maintain and
1035 develop healthy relationships. The person or team with an
1036 understanding of the need to balance all attachment bonds of a
1037 child and the potential need to prioritize existing and healthy
1038 sibling relationships differently than a potential or unhealthy
1039 sibling relationship over a healthy existing bond with a
1040 caregiver will result in more stable and healthier placements
1041 for all children in out-of-home care.

1042 (2) DEFINITIONS.—As used in this section, the term:

1043 (a) "Multidisciplinary team" has the same meaning as
1044 provided in s. 39.4022.

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1045 (b) "Lead agency" means a community-based care lead agency
1046 under contract with the department to provide care to children
1047 in foster care under chapter 409.

1048 (c) "Sibling" means:

1049 1. A child who shares a birth parent or legal parent with
1050 one or more other children; or

1051 2. A child who has lived together in a family with one or
1052 more other children whom he or she identifies as siblings.

1053 (3) PLACEMENT OF SIBLINGS IN OUT-OF-HOME CARE.-

1054 (a) General provisions.-

1055 1. The department or lead agency shall make reasonable
1056 efforts to place sibling groups that are removed from their home
1057 in the same foster, kinship, adoptive, or guardianship home when
1058 it is in the best interest of each sibling and when an
1059 appropriate, capable, and willing joint placement for the
1060 sibling group is available.

1061 2. If a child enters out-of-home care after his or her
1062 sibling, the department or lead agency and the multidisciplinary
1063 team shall make reasonable efforts to initially place the child
1064 who has entered out-of-home care with his or her siblings in the
1065 sibling's existing placement, provided it would not jeopardize
1066 the stability of such placement and it is in the best interest
1067 for each child.

1068 3. When determining whether to move a child from a current
1069 placement to a new placement when such change is initiated by a
1070 sibling relationship, all relevant factors must be considered by
1071 the multidisciplinary team to ensure that the child is best
1072 served by the decision. A uniform policy that does not consider
1073 and apply a balancing test to ensure all existing attachment

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1074 bonds for a child and his or her siblings are honored and
1075 evaluated holistically may result in placement decisions or
1076 changes of placement decisions that may result in additional
1077 trauma.

1078 4. The department and the court are not required to make an
1079 initial placement or change in placement to develop a
1080 relationship between siblings which did not exist at the time a
1081 child is placed in out-of-home care.

1082 (b) Factors to consider when placing sibling groups.-

1083 1. At the time a child who is a part of a sibling group is
1084 removed from the home, the department or lead agency shall
1085 convene a multidisciplinary team staffing in accordance with s.
1086 39.4022 to determine and assess the sibling relationships from
1087 the perspective of each child to ensure the best placement of
1088 each child in the sibling group. The multidisciplinary team
1089 shall consider all relevant factors included in s. 39.4022 and
1090 this section, including, but not limited to, the existing
1091 emotional ties between and among the siblings, the degree of
1092 harm each child is likely to experience as a result of
1093 separation, and the standard protocols established by the
1094 Quality Parenting Initiative under paragraph (d).

1095 2.a. If the department or the appropriate lead agency is
1096 able to locate a caregiver that will accept the sibling group
1097 and the multidisciplinary team determines that the placement is
1098 suitable for each child, the sibling group must be placed
1099 together.

1100 b. If the department or appropriate lead agency is not able
1101 to locate a caregiver or placement option that allows the
1102 sibling group to be placed together in an initial placement, the

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1103 department or lead agency must make all reasonable efforts to
1104 ensure contact and visitation between siblings placed in
1105 separate out-of-home care placements and provide reviews of the
1106 placements in accordance with this section.

1107 3. If all the siblings are unable to be placed in an
1108 existing placement and the siblings do not have an existing
1109 relationship, when determining whether to move any child who is
1110 part of the sibling group from his or her current placement to a
1111 new placement that will unite the sibling group, the department
1112 or lead agency must consider all of the following additional
1113 factors:

1114 a. The presence and quality of current attachment
1115 relationships, including:

1116 (I) The quality and length of the attachment of the child
1117 to both the current and prospective caregiver;

1118 (II) The age of the child at placement with the current
1119 caregiver and the child's current age as well as the ages of any
1120 siblings;

1121 (III) The ease with which the child formed an attachment to
1122 the current family;

1123 (IV) Any indications of attachment difficulty in the
1124 child's history; and

1125 (V) The number of moves and number of caregivers the child
1126 has experienced.

1127 b. The potential of the new caregiver to be a primary
1128 attachment figure to the sibling group by ensuring care for each
1129 child's physical needs and the willingness and availability to
1130 meet the each child's emotional needs.

1131 c. The quality of existing sibling relationships and the

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1132 potential quality of sibling relationships that can be formed
1133 between the children.

1134 d. The consideration of any costs and benefits of
1135 disrupting existing emotional attachments to a primary caregiver
1136 to place children in a new placement with siblings, including:

1137 (I) The length and quality of the established and current
1138 primary attachment relationships between the siblings and
1139 between the siblings and their current caregivers; and

1140 (II) Relationships between any other siblings and whether
1141 such relationships appear adequate and not stressful or harmful.

1142 e. The ability to establish and maintain sibling visitation
1143 and contact pursuant to this section in a manner and schedule
1144 that makes sense for an infant or young child if it is
1145 determined that the infant or young child is to remain with his
1146 or her primary caregivers rather than be placed with his or her
1147 siblings.

1148 f. The ability to establish and maintain contact with the
1149 sibling and new caregiver as part of a transition plan developed
1150 in accordance with paragraph (c) and s. 39.4023 before changing
1151 the child's placement to allow the child, his or her siblings,
1152 and new caregiver to adjust and form bonds.

1153 (c) *Transitioning a child after a determination.*—If after
1154 considering the provisions and factors described in paragraphs
1155 (a) and (b) it is determined that the child would benefit from
1156 being placed with his or her siblings, the transition of the
1157 child to the new home must be carried out gradually in
1158 accordance with s. 39.4023.

1159 (d) *Standards for evaluating sibling placements.*—The
1160 department, in collaboration with the Quality Parenting

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1161 Initiative, must develop standard protocols for the department
1162 and lead agency which incorporate the provisions and factors
1163 described in paragraphs (a), (b), and (c) and any other factors
1164 deemed relevant for use in making decisions about when placing
1165 siblings together would be contrary to a child's well-being or
1166 safety or decisions providing for frequent visitation and
1167 contact under subsection (4).

1168 (4) MAINTAINING CONTACT WHEN SIBLINGS ARE SEPARATED.-

1169 (a) Regular contact among a sibling group that cannot be
1170 placed together, especially among siblings with existing
1171 attachments to each other, is critical for the siblings to
1172 maintain their existing bonds and relationships or to develop
1173 such bonds and attachments, if appropriate. The following
1174 practices must be considered in helping to maintain or
1175 strengthen the relationships of separated siblings:

1176 1. Respect and support the child's ties to his or her birth
1177 or legal family, including parents, siblings, and extended
1178 family members, must be provided by the caregiver, and he or she
1179 must assist the child in maintaining allowable visitation and
1180 other forms of communication. The department and lead agency
1181 shall provide a caregiver with the information, guidance,
1182 training, and support necessary for fulfilling this
1183 responsibility.

1184 2. Provide adequate support to address any caregiver
1185 concerns and to enhance the caregiver's ability to facilitate
1186 contact between siblings who are not in the same out-of-home
1187 placement and promote the benefits of sibling contact.

1188 3. Prioritize placements with kinship caregivers who have
1189 an established personal relationship with each child so that

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1190 even when siblings cannot be placed together in the same home,
1191 kinship caregivers are more likely to facilitate contact.

1192 4. Prioritize placement of siblings geographically near
1193 each other, such as in the same neighborhood or school district,
1194 to make it easier for the siblings to see each other regularly.

1195 5. Encourage frequent and regular visitation, if the
1196 siblings choose to do so, to allow the children to be actively
1197 involved in each other's lives and to participate in
1198 celebrations, including, but not limited to, birthdays,
1199 graduations, holidays, school and extracurricular activities,
1200 cultural customs, and other milestones.

1201 6. Provide other forms of contact when regular in-person
1202 meetings are not possible or are not sufficient to meet the
1203 needs or desires of the siblings, such as maintaining frequent
1204 contact through letters, e-mail, social media, cards, or
1205 telephone calls.

1206 7. Coordinate, when possible, joint outings or summer or
1207 weekend camp experiences to facilitate time together, including,
1208 but not limited to, activities or camps specifically designed
1209 for siblings in out-of-home care.

1210 8. Encourage joint respite care to assist the caregivers
1211 who are caring for separated siblings to have needed breaks
1212 while also facilitating contact among the siblings, including,
1213 but not limited to, providing babysitting or respite care for
1214 each other.

1215 9. Prohibit the withholding communication or visitation
1216 among the siblings as a form of punishment.

1217 (b) The court may limit or restrict communication or
1218 visitation under this subsection only upon a finding by clear

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1219 and convincing evidence that the communication or visitation is
1220 harmful to the child. If the court makes such a finding, it must
1221 direct the department or lead agency to immediately provide
1222 services to ameliorate the harm so that communication and
1223 visitation may be restored as soon as possible.

1224 (5) SUBSEQUENT REVIEWS.—

1225 (a) The department and the lead agency shall periodically,
1226 but at least once every 6 months, reassess sibling placement,
1227 visitation, and other sibling contact decisions in cases where
1228 siblings are separated, not visiting, or not maintaining contact
1229 to determine if a change in placement is warranted unless the
1230 decision to not place a child with his or her sibling group was
1231 made due to such placement being inappropriate, unhealthy, or
1232 unsafe for the child.

1233 (b) If a child in a sibling group who has been placed in an
1234 out-of-home care placement with his or her siblings does not
1235 adjust to the placement, the lead agency must provide services
1236 to the caregiver and sibling group in accordance with s.
1237 39.4023(3) to try to prevent the disruption of the placement. If
1238 after reasonable efforts are made under s. 39.4023(3), the child
1239 still has not adjusted to the out-of-home placement, a
1240 multidisciplinary team staffing must be convened to determine
1241 what is best for all of the children. The multidisciplinary team
1242 shall review the current placement of the sibling group and
1243 choose a plan that will be least detrimental to each child. If
1244 the team determines that the best decision is to move the child
1245 who has not adjusted to a new out-of-home placement, the team
1246 must develop a transition plan in accordance with ss. 39.4022
1247 and 39.4023 which ensures the opportunity for the siblings to

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1248 maintain contact in accordance with subsection (4) of this
1249 section.

1250 (c) If it becomes known that a child in out-of-home care
1251 has a sibling of whom the child, department, or lead agency was
1252 previously unaware, the department or lead agency must convene a
1253 multidisciplinary team staffing within a reasonable amount of
1254 time after the discovery of such sibling to decide if the
1255 current placement or permanency plan requires modification.

1256 (6) ADDITIONAL REQUIREMENTS AND CONSIDERATIONS.-

1257 (a) The department shall promptly provide a child with the
1258 location of and contact information for his or her siblings. If
1259 the existence or location of or contact information for a
1260 child's siblings is not known, the department must make
1261 reasonable efforts to ascertain such information.

1262 (b) If a child's sibling is also in out-of-home care and
1263 such sibling leaves out-of-home care for any reason, including,
1264 but not limited to, emancipation, adoption, or reunification
1265 with his or her parent or guardian, the child has a right to
1266 continued communication with his or her sibling as provided
1267 under subsection (4).

1268 (c) The department or the lead agency must document in
1269 writing any decision to separate siblings in the case file as
1270 required in s. 39.00146 and document the decision in the Florida
1271 Safe Families Network. The documentation must include any
1272 efforts made to keep the siblings together, an assessment of the
1273 short-term and long-term effects of separation on each child and
1274 the sibling group as a whole, and a description of the plan for
1275 communication or contact between the children if separation is
1276 approved.

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1277 (7) RULEMAKING AUTHORITY.—The department shall adopt rules
1278 to implement this section.

1279 Section 8. Section 39.522, Florida Statutes, is amended to
1280 read:

1281 39.522 Postdisposition change of custody.—

1282 (1) The court may change the temporary legal custody or the
1283 conditions of protective supervision at a postdisposition
1284 hearing, without the necessity of another adjudicatory hearing.

1285 (2) (a) ~~(1) (a)~~ At any time before a child is residing in the
1286 permanent placement approved at the permanency hearing, a child
1287 who has been placed in the child's own home under the protective
1288 supervision of an authorized agent of the department, in the
1289 home of a relative, in the home of a legal custodian, or in some
1290 other place may be brought before the court by the department or
1291 by any other interested person, upon the filing of a motion
1292 alleging a need for a change in the conditions of protective
1293 supervision or the placement. If any party or the current
1294 caregiver denies ~~the parents or other legal custodians deny~~ the
1295 need for a change, the court shall hear all parties in person or
1296 by counsel, or both.

1297 (b) Upon the admission of a need for a change or after such
1298 hearing, the court shall enter an order changing the placement,
1299 modifying the conditions of protective supervision, or
1300 continuing the conditions of protective supervision as ordered.
1301 The standard for changing custody of the child shall be the best
1302 interests of the child. When determining whether a change of
1303 legal custody or placement is in the best interests of the
1304 child, the court shall consider the factors listed in s. 39.4022
1305 and the report filed by the multidisciplinary team, if

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1306 applicable. The court shall also consider the priority of
1307 placements established under s. 39.4021 when making a decision
1308 regarding the best interest of the child in out-of-home care.÷

1309 ~~1. The child's age.~~

1310 ~~2. The physical, mental, and emotional health benefits to~~
1311 ~~the child by remaining in his or her current placement or moving~~
1312 ~~to the proposed placement.~~

1313 ~~3. The stability and longevity of the child's current~~
1314 ~~placement.~~

1315 ~~4. The established bonded relationship between the child~~
1316 ~~and the current or proposed caregiver.~~

1317 ~~5. The reasonable preference of the child, if the court has~~
1318 ~~found that the child is of sufficient intelligence,~~
1319 ~~understanding, and experience to express a preference.~~

1320 ~~6. The recommendation of the child's current caregiver.~~

1321 ~~7. The recommendation of the child's guardian ad litem, if~~
1322 ~~one has been appointed.~~

1323 ~~8. The child's previous and current relationship with a~~
1324 ~~sibling, if the change of legal custody or placement will~~
1325 ~~separate or reunite siblings.~~

1326 ~~9. The likelihood of the child attaining permanency in the~~
1327 ~~current or proposed placement.~~

1328 ~~10. Any other relevant factors.~~

1329 (c)(b) If the child is not placed in foster care, the new
1330 placement for the child must meet the home study criteria and
1331 court approval under this chapter.

1332 (3) (a) For purposes of this subsection, the term "change in
1333 physical custody" means a change by the department or community-
1334 based care lead agency to the child's physical residential

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1335 address even when such change does not require a court order to
1336 change the legal custody of the child.

1337 (b)1. In a hearing on the change of physical custody under
1338 this section, there shall be a rebuttable presumption that it is
1339 in the child's best interest to remain permanently in his or her
1340 current physical placement if:

1341 a. The child has been in the same safe and stable placement
1342 for 9 consecutive months or more;

1343 b. Reunification is not a permanency option for the child;

1344 c. The caregiver is able, willing, and eligible for
1345 consideration as an adoptive parent or permanent custodian for
1346 the child;

1347 d. The caregiver is not requesting the change in physical
1348 placement; and

1349 e. The change in physical placement being sought is not to
1350 reunify the child with his or her parent or sibling or
1351 transition the child from a safe and stable nonrelative
1352 caregiver to a safe and stable relative caregiver.

1353 2. In order to rebut the presumption established in this
1354 paragraph, the court shall hold an evidentiary hearing on the
1355 change in physical custody to determine if the change in
1356 placement is in the best interest of the child. As part of the
1357 evidentiary hearing, the court must consider competent and
1358 substantial evidence and testimony related to the factors
1359 enumerated in s. 39.4022 and any other evidence deemed relevant
1360 to a determination of placement, including evidence from a
1361 court-selected neutral and independent expert in the science and
1362 research of child-parent bonding and attachment.

1363 3. This presumption may not be rebutted solely by the

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1364 expressed wishes of a biological parent, a biological relative,
1365 or a caregiver of a sibling of the child.

1366 (c)1. A current caregiver who has been the physical custody
1367 placement for at least 9 consecutive months and who meets all
1368 the established criteria in paragraph (b) shall be notified by
1369 the department or community-based care lead agency of an intent
1370 to change the physical custody of the child at least 21 days
1371 before the desired date for transitioning the child to the new
1372 physical custody placement.

1373 2. A caregiver who objects to the change in physical
1374 custody must notify the court and the department or lead agency
1375 of his or her objection and the intent to request an evidentiary
1376 hearing in writing in accordance with this subsection as soon as
1377 possible after receiving notice under subparagraph 1., but no
1378 later than 5 days before the desired date for transitioning the
1379 child to the new physical custody placement.

1380 3. Upon the department or community-based care lead agency
1381 receiving written notice of the caregiver's objection, the
1382 change to the child's physical custody must be placed in
1383 abeyance and the child may not be transitioned to a new physical
1384 placement without a court order.

1385 4. Within 7 days after receiving written notice from the
1386 caregiver, the court must conduct an initial case status
1387 hearing, at which time the court must:

1388 a. Grant party status to the current caregiver who is
1389 seeking permanent custody and has maintained physical custody of
1390 that child for at least 9 continuous months;

1391 b. Appoint a lawyer for the child who is the subject of the
1392 permanent custody proceeding;

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1393 c. Advise the caregiver of his or her right to retain
1394 counsel for purposes of the evidentiary hearing; and

1395 d. Appoint a court-selected neutral and independent expert
1396 in the science and research of child-parent bonding and
1397 attachment.

1398 (d) The court must conduct the evidentiary hearing and
1399 provide a written order of its findings regarding the placement
1400 that is in the best interest of the child no later than 90 days
1401 from the date the caregiver provided written notice to the court
1402 under this subsection. The court must provide its written order
1403 to the department or lead agency, the caregiver, and the
1404 prospective caregiver.

1405 (e) If the court orders that the physical custody of the
1406 child change from the current caregiver after the evidentiary
1407 hearing, the department or lead agency must provide an
1408 appropriate transition plan in accordance with s. 39.4023.

1409 (4)-(2) In cases where the issue before the court is whether
1410 a child should be reunited with a parent, the court shall review
1411 the conditions for return and determine whether the
1412 circumstances that caused the out-of-home placement and issues
1413 subsequently identified have been remedied to the extent that
1414 the return of the child to the home with an in-home safety plan
1415 prepared or approved by the department will not be detrimental
1416 to the child's safety, well-being, and physical, mental, and
1417 emotional health.

1418 (5)-(3) In cases where the issue before the court is whether
1419 a child who is placed in the custody of a parent should be
1420 reunited with the other parent upon a finding that the
1421 circumstances that caused the out-of-home placement and issues

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1422 subsequently identified have been remedied to the extent that
1423 the return of the child to the home of the other parent with an
1424 in-home safety plan prepared or approved by the department will
1425 not be detrimental to the child, the standard shall be that the
1426 safety, well-being, and physical, mental, and emotional health
1427 of the child would not be endangered by reunification and that
1428 reunification would be in the best interest of the child.

1429 (6)~~(4)~~ In cases in which the issue before the court is
1430 whether to place a child in out-of-home care after the child was
1431 placed in the child's own home with an in-home safety plan or
1432 the child was reunified with a parent or caregiver with an in-
1433 home safety plan, the court must consider, at a minimum, the
1434 following factors in making its determination whether to place
1435 the child in out-of-home care:

1436 (a) The circumstances that caused the child's dependency
1437 and other subsequently identified issues.

1438 (b) The length of time the child has been placed in the
1439 home with an in-home safety plan.

1440 (c) The parent's or caregiver's current level of protective
1441 capacities.

1442 (d) The level of increase, if any, in the parent's or
1443 caregiver's protective capacities since the child's placement in
1444 the home based on the length of time the child has been placed
1445 in the home.

1446
1447 The court shall additionally evaluate the child's permanency
1448 goal and change the permanency goal as needed if doing so would
1449 be in the best interests of the child. If the court changes the
1450 permanency goal, the case plan must be amended pursuant to s.

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1451 39.6013(5).

1452 Section 9. Subsections (2) and (5) of section 39.523,
1453 Florida Statutes, are amended to read:

1454 39.523 Placement in out-of-home care.-

1455 (2) ASSESSMENT AND PLACEMENT.-When any child is removed
1456 from a home and placed in ~~into~~ out-of-home care, a comprehensive
1457 placement assessment process shall be completed in accordance
1458 with s. 39.4022 to determine the level of care needed by the
1459 child and match the child with the most appropriate placement.

1460 (a) The community-based care lead agency or subcontracted
1461 agency with the responsibility for assessment and placement must
1462 coordinate a multidisciplinary team staffing as established in
1463 s. 39.4022 with the necessary participants for the stated
1464 purpose of the staffing ~~with any available individual currently~~
1465 ~~involved with the child including, but not limited to, a~~
1466 ~~representative from the department and the case manager for the~~
1467 ~~child; a therapist, attorney ad litem, guardian ad litem,~~
1468 ~~teachers, coaches, Children's Medical Services; and other~~
1469 ~~community providers of services to the child or stakeholders as~~
1470 ~~applicable. The team may also include clergy, relatives, and~~
1471 ~~fictive kin if appropriate. Team participants must gather data~~
1472 ~~and information on the child which is known at the time~~
1473 ~~including, but not limited to:~~

1474 1. ~~Mental, medical, behavioral health, and medication~~
1475 ~~history;~~

1476 2. ~~Community ties and school placement;~~

1477 3. ~~Current placement decisions relating to any siblings;~~

1478 4. ~~Alleged type of abuse or neglect including sexual abuse~~
1479 ~~and trafficking history; and~~

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1480 ~~5. The child's age, maturity, strengths, hobbies or~~
1481 ~~activities, and the child's preference for placement.~~

1482 (b) The comprehensive placement assessment process may also
1483 include the use of an assessment instrument or tool that is best
1484 suited for the individual child.

1485 (c) The most appropriate available out-of-home placement
1486 shall be chosen after consideration by all members of the
1487 multidisciplinary team of all of the information and data
1488 gathered, including the results and recommendations of any
1489 evaluations conducted.

1490 (d) Placement decisions for each child in out-of-home
1491 placement shall be reviewed as often as necessary to ensure
1492 permanency for that child and address special issues related to
1493 this population of children.

1494 (e) The department, a sheriff's office acting under s.
1495 39.3065, a community-based care lead agency, or a case
1496 management organization must document all placement assessments
1497 and placement decisions in the Florida Safe Families Network.

1498 (f) If it is determined during the comprehensive placement
1499 assessment process that residential treatment as defined in s.
1500 39.407 would be suitable for the child, the procedures in that
1501 section must be followed.

1502 (5) RULEMAKING.—The department shall ~~may~~ adopt rules to
1503 implement this section.

1504 Section 10. Paragraph (e) of subsection (1) of section
1505 39.806, Florida Statutes, is amended to read:

1506 39.806 Grounds for termination of parental rights.—

1507 (1) Grounds for the termination of parental rights may be
1508 established under any of the following circumstances:

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1509 (e) When a child has been adjudicated dependent, a case
1510 plan has been filed with the court, and:

1511 1. The child continues to be abused, neglected, or
1512 abandoned by the parent or parents. The failure of the parent or
1513 parents to substantially comply with the case plan for a period
1514 of 12 months after an adjudication of the child as a dependent
1515 child or the child's placement into shelter care, whichever
1516 occurs first, constitutes evidence of continuing abuse, neglect,
1517 or abandonment unless the failure to substantially comply with
1518 the case plan was due to the parent's lack of financial
1519 resources or to the failure of the department to make reasonable
1520 efforts to reunify the parent and child. The 12-month period
1521 begins to run only after the child's placement into shelter care
1522 or the entry of a disposition order placing the custody of the
1523 child with the department or a person other than the parent and
1524 the court's approval of a case plan having the goal of
1525 reunification with the parent, whichever occurs first; or

1526 2. The parent or parents have materially breached the case
1527 plan by their action or inaction. Time is of the essence for
1528 permanency of children in the dependency system. In order to
1529 prove the parent or parents have materially breached the case
1530 plan, the court must find by clear and convincing evidence that
1531 the parent or parents are unlikely or unable to substantially
1532 comply with the case plan before time to comply with the case
1533 plan expires.

1534 3. The child has been in care for any 12 of the last 22
1535 months and the parents have not substantially complied with the
1536 case plan so as to permit reunification under s. 39.522(4) ~~s.~~
1537 ~~39.522(2)~~ unless the failure to substantially comply with the

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1538 case plan was due to the parent's lack of financial resources or
1539 to the failure of the department to make reasonable efforts to
1540 reunify the parent and child.

1541 Section 11. This act shall take effect October 1, 2021.