

By the Committees on Rules; and Children, Families, and Elder Affairs; and Senators Brodeur, Albritton, and Book

595-02742-21

202180c2

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; providing requirements for the case record
13 face sheet; authorizing the department to develop, or
14 contract with a third party to develop, a case record
15 face sheet; requiring community-based care lead
16 agencies to use such face sheets; requiring the
17 department to adopt rules; amending s. 39.401, F.S.;
18 requiring the department to determine out-of-home
19 placement based on priority of placements and other
20 factors; amending s. 39.402, F.S.; requiring the
21 department to make reasonable efforts to place a child
22 in out-of-home care based on priority of placements;
23 providing exceptions and other criteria; creating s.
24 39.4021, F.S.; providing legislative findings;
25 establishing certain placement priorities for out-of-
26 home placements; requiring the department or lead
27 agency to place sibling groups together when possible
28 if in the best interest of each child after
29 considering specified factors; providing an exception;

595-02742-21

202180c2

30 providing construction; creating s. 39.4022, F.S.;

31 providing legislative intent; defining terms;

32 requiring that multidisciplinary teams be established

33 for certain purposes; providing goals for such teams;

34 providing for membership of multidisciplinary team

35 staffings; authorizing the department or lead agency

36 to invite other participants to attend a team staffing

37 under certain circumstances; providing requirements

38 for multidisciplinary team staffings; requiring that

39 team staffings be held when specified decisions

40 regarding a child must be made; providing

41 applicability; requiring team staffing participants to

42 gather and consider data and information on the child

43 before formulating a decision; providing for the use

44 of an evidence-based assessment instrument or tool;

45 requiring multidisciplinary teams to conduct

46 supplemental assessments for certain children;

47 requiring team participants to gather certain

48 information related to the child for such supplemental

49 assessments; requiring that a unanimous consensus

50 decision reached by the team becomes the official

51 position and that specified parties are bound by such

52 consensus decision; providing procedures for when the

53 team does not reach a consensus decision; requiring

54 that the department determine a suitable placement if

55 the team cannot come to a consensus decision;

56 requiring the formation of a team within specified

57 timeframes; requiring the facilitator to file a report

58 with the court within a specified timeframe if the

595-02742-21

202180c2

59 team does not reach a consensus decision; providing
60 requirements for the report; authorizing specified
61 parties to discuss confidential information during a
62 team staffing in the presence of participating
63 individuals; providing that information collected by
64 any agency or entity that participates in a staffing
65 which is confidential and exempt upon collection
66 remains confidential and exempt when discussed in
67 staffings; requiring individuals who participate in a
68 staffing to maintain the confidentiality of all
69 information shared; providing construction; requiring
70 the department to adopt rules; creating s. 39.4023,
71 F.S.; providing legislative findings and intent;
72 defining terms; providing for the creation of
73 transition plans for specified changes in placement;
74 providing conditions under which a child may be
75 removed from a caregiver's home; requiring community-
76 based care lead agencies to provide services to
77 prevent a change in placement; requiring the
78 department and a community-based care lead agency to
79 convene a multidisciplinary team staffing to develop a
80 transition plan under certain circumstances; requiring
81 the department or community-based care lead agency to
82 provide written notice of a planned placement change;
83 providing requirements for the notice; providing
84 applicability; requiring additional considerations for
85 placement changes for infants and young children;
86 providing findings; requiring the department or
87 community-based care lead agency to create and

595-02742-21

202180c2

88 implement individualized transition plans; specifying
89 factors that must be considered when selecting a new
90 school for a child; requiring children who enter out-
91 of-home care or undergo changes in placement to remain
92 with familiar child care providers or early education
93 programs, if possible; providing requirements for
94 transition plans for transitions between K-12 schools;
95 requiring the department, in collaboration with the
96 Quality 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 multidisciplinary team
100 staffings 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; providing an exemption; requiring the
104 department to adopt rules; creating s. 39.4024, F.S.;
105 providing legislative findings; defining terms;
106 requiring the department or lead agency to make
107 reasonable efforts to place siblings in the same
108 foster, kinship, adoptive, or guardianship home when
109 certain conditions are met; requiring the department
110 or lead agency and multidisciplinary team to take
111 certain actions when siblings are not placed together;
112 specifying that the department and court are not
113 required to make a placement or change in placement to
114 develop certain sibling relationships; requiring the
115 department or the lead agency to convene a
116 multidisciplinary team staffing to determine and

595-02742-21

202180c2

117 assess sibling relationships when a child is removed
118 from a home; providing for the placement of sibling
119 groups in certain circumstances; specifying factors
120 for the multidisciplinary team to consider when
121 determining placement or change of placement for
122 children in sibling groups who do not have an existing
123 relationship with siblings; requiring that a child's
124 transition to a new home be carried out gradually when
125 it is determined that the child would benefit from
126 being placed with siblings; requiring the department,
127 in collaboration with the Quality Parenting
128 Initiative, to develop standard protocols for the
129 department and lead agency for use in making specified
130 decisions about child placement; providing
131 considerations for maintaining contact between
132 siblings when separated; providing duties for
133 caregivers; authorizing the court to limit and
134 restrict communication and visitation upon a finding
135 of clear and convincing evidence that such
136 communication or visitation is harmful to the child;
137 requiring the department and community-based care lead
138 agencies to periodically reassess certain sibling
139 placements in certain instances; requiring the
140 department to provide certain services to prevent
141 disruption in a placement when a child does not adjust
142 to such placement; requiring that a multidisciplinary
143 team staffing is convened when one child does not
144 adjust to placement as a sibling group under certain
145 conditions; requiring the team to review such

595-02742-21

202180c2

146 placement and choose a plan least detrimental to each
147 child; requiring that a multidisciplinary team be
148 convened in certain circumstances where the department
149 or child subsequently identifies a sibling; requiring
150 the department to provide children with specified
151 information relating to their siblings; requiring the
152 department to make reasonable efforts to ascertain
153 such information if it is not known; providing that a
154 child has a right to continued communication with a
155 sibling under certain circumstances; requiring the
156 department and lead agencies to document in writing
157 decisions to separate siblings in case files and the
158 Florida Safe Families Network; specifying requirements
159 for such documentation; providing an exemption;
160 requiring the department to adopt rules; amending s.
161 39.522, F.S.; deleting and relocating criteria for the
162 court to consider when determining whether a legal
163 change of custody is in the best interest of the
164 child; conforming a provision to changes made by the
165 act; defining the term "change in physical custody";
166 providing a rebuttable presumption that the best
167 interest of a child is to remain in a current
168 placement; providing applicability for such
169 presumption; establishing the manner in which to rebut
170 the presumption; requiring the department or lead
171 agency to notify certain caregivers within a specified
172 timeframe of the intent to change the physical custody
173 of a child; requiring that a multidisciplinary team
174 staffing be held within a specified timeframe before

595-02742-21

202180c2

175 the intended date for the child's change in physical
176 custody; requiring that the department's official
177 position be provided to the parties under certain
178 circumstances; requiring the caregiver to provide
179 written notice of objection to such change in physical
180 custody within a specified timeframe; requiring the
181 court to conduct an initial case status hearing within
182 a specified timeframe upon receiving specified written
183 notice from a caregiver; providing procedures for when
184 a caregiver objects to the child's change in physical
185 custody; requiring the court to conduct an initial
186 case status hearing; requiring the court to conduct an
187 evidentiary hearing; requiring the department or lead
188 agency to implement an appropriate transition plan if
189 the court orders a change in physical custody of the
190 child; amending s. 39.523, F.S.; requiring the
191 department or lead agency to coordinate a
192 multidisciplinary team staffing for specified
193 purposes; requiring, rather than authorizing, the
194 department to create rules; amending s. 39.806, F.S.;
195 conforming a cross-reference; providing an effective
196 date.

197
198 Be It Enacted by the Legislature of the State of Florida:

199
200 Section 1. Section 39.00146, Florida Statutes, is created
201 to read:

202 39.00146 Case record face sheet.-

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

595-02742-21

202180c2

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

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

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

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

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

216 (a) General case information, including, but not limited
217 to:

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

219 2. The current county of residence and the county of
220 residence at the time of the referral;

221 3. The reason for the referral and any family safety
222 concerns;

223 4. The personal identifying information of the parents or
224 legal custodians who had custody of the child at the time of the
225 referral, including name, date of birth, and county of
226 residence;

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

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

232 (b) The name and contact information for any employees of

595-02742-21

202180c2

233 the department, the department's authorized agents, or providers
234 contracting with the department, including community-based care
235 lead agencies and their subcontracted service providers, who
236 have worked with the child, including the child's current and
237 previous case managers, and the supervisor information for such
238 employees.

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

- 242 1. The child's parents;
- 243 2. The child's siblings, including the location of their
244 current out-of-home placement, if applicable;
- 245 3. The child's current caregivers and any previous out-of-
246 home placements;
- 247 4. Any other caretaking adults; and
- 248 5. All children in the out-of-home placement, if
249 applicable.

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

252 (e) A description of individual parent or caregiver
253 concerns for the child.

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

- 256 1. Maintain a safe home;
- 257 2. Engage or bond with the child if the child is an infant;
- 258 3. Structure daily activities that stimulate the child;
- 259 4. Manage the child's behavior; or
- 260 5. Make good health decisions for the child.

261 (g) Any transitions in placement the child has experienced

595-02742-21

202180c2

262 since the child's initial placement and a description of how
263 such transitions were accomplished in accordance with s.
264 39.4023.

265 (h) If the child has any siblings and they are not placed
266 in the same out-of-home placement, the reasons the children are
267 not in joint placement and the reasonable efforts that the
268 department or appropriate lead agency will make to provide
269 frequent visitation or other ongoing interaction between the
270 siblings, unless the court determines that the interaction would
271 be contrary to a sibling's safety or well-being in accordance s.
272 39.4024.

273 (i) Information pertaining to recent and upcoming court
274 hearings, including, but not limited to, the date, subject
275 matter, and county of court jurisdiction of the most recent and
276 next scheduled court hearing.

277 (j) Any other information the department, the department's
278 authorized agents, or providers contracting with the department,
279 including community-based care lead agencies deem relevant.

280 (3) The department, the department's authorized agents, or
281 providers contracting with the department, including community-
282 based care lead agencies, must ensure that the face sheet for
283 each case is updated at least once per month. This requirement
284 includes ensuring that the department, its authorized agents, or
285 providers contracting with the department gather any relevant
286 information from any subcontracted providers who provide
287 services for the case record information required to be included
288 under this section.

289 (4) The case record face sheet must be in a uniform and
290 standardized format for use statewide and must be developed,

595-02742-21

202180c2

291 either by the department or a third party, using real-time data
292 from the state child welfare information system. The department
293 may develop a specific case record face sheet or may contract
294 with a third party to use existing software that, at a minimum,
295 meets the requirements of subsection (2). The case record face
296 sheet developed or contracted for use under this section must be
297 electronic and have the capability to be printed. The community-
298 based care lead agencies shall use this uniform and standardized
299 case record face sheet to comply with this section.

300 (5) The department shall adopt rules to implement this
301 section.

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

304 39.401 Taking a child alleged to be dependent into custody;
305 law enforcement officers and authorized agents of the
306 department.—

307 (3) If the child is taken into custody by, or is delivered
308 to, an authorized agent of the department, the agent shall
309 review the facts supporting the removal with an attorney
310 representing the department. The purpose of the review is to
311 determine whether there is probable cause for the filing of a
312 shelter petition.

313 (a) If the facts are not sufficient, the child shall
314 immediately be returned to the custody of the parent or legal
315 custodian.

316 (b) If the facts are sufficient and the child has not been
317 returned to the custody of the parent or legal custodian, the
318 department shall file the petition and schedule a hearing, and
319 the attorney representing the department shall request that a

595-02742-21

202180c2

320 shelter hearing be held within 24 hours after the removal of the
321 child.

322 (c) While awaiting the shelter hearing, the authorized
323 agent of the department may place the child in out-of-home care,
324 and placement shall be determined based on priority of
325 placements as provided in s. 39.4021 and what is in the child's
326 best interest based on the criteria and factors set out in s.
327 39.4022 licensed shelter care or may release the child to a
328 parent or legal custodian or responsible adult relative or the
329 adoptive parent of the child's sibling who shall be given
330 priority consideration over a licensed placement, or a
331 responsible adult approved by the department if this is in the
332 best interests of the child.

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

336 (e) In addition, the department may authorize placement of
337 a housekeeper/homemaker in the home of a child alleged to be
338 dependent until the parent or legal custodian assumes care of
339 the child.

340 Section 3. Paragraph (h) of subsection (8) of section
341 39.402, Florida Statutes, is amended to read:

342 39.402 Placement in a shelter.—

343 (8)

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

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

595-02742-21

202180c2

349 2. That placement in shelter care is in the best interest
350 of the child.

351 3. That continuation of the child in the home is contrary
352 to the welfare of the child because the home situation presents
353 a substantial and immediate danger to the child's physical,
354 mental, or emotional health or safety which cannot be mitigated
355 by the provision of preventive services.

356 4. That based upon the allegations of the petition for
357 placement in shelter care, there is probable cause to believe
358 that the child is dependent or that the court needs additional
359 time, which may not exceed 72 hours, in which to obtain and
360 review documents pertaining to the family in order to
361 appropriately determine the risk to the child.

362 5. That the department has made reasonable efforts to
363 prevent or eliminate the need for removal of the child from the
364 home. A finding of reasonable effort by the department to
365 prevent or eliminate the need for removal may be made and the
366 department is deemed to have made reasonable efforts to prevent
367 or eliminate the need for removal if:

368 a. The first contact of the department with the family
369 occurs during an emergency;

370 b. The appraisal of the home situation by the department
371 indicates that the home situation presents a substantial and
372 immediate danger to the child's physical, mental, or emotional
373 health or safety which cannot be mitigated by the provision of
374 preventive services;

375 c. The child cannot safely remain at home, either because
376 there are no preventive services that can ensure the health and
377 safety of the child or because, even with appropriate and

595-02742-21

202180c2

378 available services being provided, the health and safety of the
379 child cannot be ensured; or

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

383 6. That the department has made reasonable efforts to place
384 the child in order of priority as provided in s. 39.4021 unless
385 such priority placement is not a placement option or in the best
386 interest of the child based on the criteria and factors set out
387 in s. 39.4022.

388 7. That the department has made reasonable efforts to keep
389 siblings together if they are removed and placed in out-of-home
390 care unless such placement is not in the best interest of each
391 child. It is preferred that siblings be kept together in a
392 foster home, if available. Other reasonable efforts shall
393 include short-term placement in a group home with the ability to
394 accommodate sibling groups if such a placement is available. The
395 department shall report to the court its efforts to place
396 siblings together unless the court finds that such placement is
397 not in the best interest of a child or his or her sibling.

398 ~~8.7.~~ That the court notified the parents, relatives that
399 are providing out-of-home care for the child, or legal
400 custodians of the time, date, and location of the next
401 dependency hearing and of the importance of the active
402 participation of the parents, relatives that are providing out-
403 of-home care for the child, or legal custodians in all
404 proceedings and hearings.

405 ~~9.8.~~ That the court notified the parents or legal
406 custodians of their right to counsel to represent them at the

595-02742-21

202180c2

407 shelter hearing and at each subsequent hearing or proceeding,
408 and the right of the parents to appointed counsel, pursuant to
409 the procedures set forth in s. 39.013.

410 ~~10.9.~~ That the court notified relatives who are providing
411 out-of-home care for a child as a result of the shelter petition
412 being granted that they have the right to attend all subsequent
413 hearings, to submit reports to the court, and to speak to the
414 court regarding the child, if they so desire.

415 ~~11.10.~~ That the department has placement and care
416 responsibility for any child who is not placed in the care of a
417 parent at the conclusion of the shelter hearing.

418 Section 4. Section 39.4021, Florida Statutes, is created to
419 read:

420 39.4021 Priority placement for out-of-home placements.-

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

427 (2) PLACEMENT PRIORITY.-

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

431 1. Non-offending parent.

432 2. Relative caregiver.

433 3. Adoptive parent of the child's sibling, when the
434 department or community-based care lead agency is aware of such
435 sibling.

595-02742-21

202180c2

436 4. Fictive kin with a close existing relationship to the
437 child.

438 5. Licensed foster care.

439 6. Group or congregate care.

440 (b) Except as otherwise provided for in ss. 39.4022 and
441 39.4024, sibling groups must be placed in the same placement
442 whenever possible and if placement together is in the best
443 interest of each child in the sibling group. Placement decisions
444 for sibling groups must be made pursuant to ss. 39.4022 and
445 39.4024.

446 (c) Except as otherwise provided for in this chapter, a
447 change to a child's physical or legal placement after the child
448 has been sheltered but before the child has achieved permanency
449 must be made in compliance with this section. Placements made
450 pursuant to s. 63.082(6) are exempt from this section.

451 Section 5. Section 39.4022, Florida Statutes, is created to
452 read:

453 39.4022 Multidisciplinary teams; staffings; assessments;
454 report.—

455 (1) LEGISLATIVE INTENT.—

456 (a) The Legislature finds that services for children and
457 families are most effective when delivered in the context of a
458 single integrated multidisciplinary team staffing that includes
459 the child, his or her family, natural and community supports,
460 and professionals who join together to empower, motivate, and
461 strengthen a family and collaboratively develop a plan of care
462 and protection to achieve child safety, child permanency, and
463 child and family well-being.

464 (b) The Legislature also finds that effective assessment

595-02742-21

202180c2

465 through an integrated multidisciplinary team is particularly
466 important for children who are vulnerable due to existing
467 histories of trauma which led to the child's entrance into the
468 child welfare system. This assessment is especially important
469 for young children who are 3 years of age or younger, as a
470 result of the enhanced need for such children to have healthy
471 and stable attachments to assist with necessary brain
472 development. Stable and nurturing relationships in the first
473 years of life, as well as the quality of such relationships, are
474 integral to healthy brain development, providing a foundation
475 for lifelong mental health and determining well-being as an
476 adult.

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

478 (a) "Change in physical custody" means a change by the
479 department or the community-based care lead agency to the
480 child's physical residential address, regardless of whether such
481 change requires a court order changing the legal custody of the
482 child.

483 (b) "Emergency situation" means that there is an imminent
484 risk to the health or safety of the child, other children, or
485 others in the home or facility if the child remains in the
486 placement.

487 (c) "Multidisciplinary team" means an integrated group of
488 individuals which meets to collaboratively develop and attempt
489 to reach a consensus decision on the most suitable out-of-home
490 placement, educational placement, or other specified important
491 life decision that is in the best interest of the child.

492 (3) CREATION AND GOALS.—

493 (a) Multidisciplinary teams must be established for the

595-02742-21

202180c2

494 purpose of allowing better engagement with families and a shared
495 commitment and accountability from the family and their circle
496 of support.

497 (b) The multidisciplinary teams must adhere to the
498 following goals:

499 1. Secure a child's safety in the least restrictive and
500 intrusive placement that can meet his or her needs;

501 2. Minimize the trauma associated with separation from the
502 child's family and help the child to maintain meaningful
503 connections with family members and others who are important to
504 him or her;

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

508 4. Provide input into the decision to preserve or maintain
509 the placement, including necessary placement preservation
510 strategies;

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

513 6. Ensure that plans are monitored for progress and that
514 such plans are revised or updated as the child's or family's
515 circumstances change; and

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

518 (4) PARTICIPANTS.—

519 (a) Collaboration among diverse individuals who are part of
520 the child's network is necessary to make the most informed
521 decisions possible for the child. A diverse team is preferable
522 to ensure that the necessary combination of technical skills,

595-02742-21

202180c2

523 cultural knowledge, community resources, and personal
524 relationships is developed and maintained for the child and
525 family. The participants necessary to achieve an appropriately
526 diverse team for a child may vary by child and may include
527 extended family, friends, neighbors, coaches, clergy, coworkers,
528 or others the family identifies as potential sources of support.

529 1. Each multidisciplinary team staffing must invite the
530 following members:

531 a. The child, unless he or she is not of an age or capacity
532 to participate in the team;

533 b. The child's family members and other individuals
534 identified by the family as being important to the child,
535 provided that a parent who has a no contact order or injunction,
536 is alleged to have sexually abused the child, or is subject to a
537 termination of parental rights may not participate;

538 c. The current caregiver;

539 d. A representative from the department other than the
540 Children's Legal Services attorney, when the department is
541 directly involved in the goal identified by the staffing;

542 e. A representative from the community-based care lead
543 agency, when the lead agency is directly involved in the goal
544 identified by the staffing; and

545 f. The case manager for the child, or his or her case
546 manager supervisor.

547 2. The multidisciplinary team must make reasonable efforts
548 to have all mandatory invitees attend. However, the
549 multidisciplinary team staffing may not be delayed if the
550 invitees in subparagraph 1. fail to attend after being provided
551 reasonable opportunities.

595-02742-21

202180c2

552 (b) Based on the particular goal the multidisciplinary team
553 staffing identifies as the purpose of convening the staffing as
554 provided under subsection (5), the department or lead agency may
555 also invite to the meeting other professionals, including, but
556 not limited to:

557 1. A representative from Children's Medical Services;
558 2. A guardian ad litem, if one is appointed;
559 3. A school personnel representative who has direct contact
560 with the child;
561 4. A therapist or other behavioral health professional, if
562 applicable.

563 5. A mental health professional with expertise in sibling
564 bonding, if the department or lead agency deems such expert is
565 necessary; or

566 6. Other community providers of services to the child or
567 stakeholders, when applicable.

568 (c) Each multidisciplinary team staffing must be led by a
569 person who serves as a facilitator and whose main responsibility
570 is to help team participants use the strengths within the family
571 to develop a safe plan for the child. The person serving as the
572 facilitator must be a trained professional who is otherwise
573 required to attend the multidisciplinary team staffing under
574 this section in his or her official capacity. Further, the
575 trained professional serving as the facilitator does not need to
576 be the same person for each meeting convened in a child's case
577 under this section or in the service area of the designated lead
578 agency handling a child's case.

579 (5) SCOPE OF MULTIDISCIPLINARY TEAM.—

580 (a) A multidisciplinary team staffing must be held when an

595-02742-21

202180c2

581 important decision is required to be made about a child's life,
582 including all of the following:

583 1. Initial placement decisions for a child who is placed in
584 out-of-home care. A multidisciplinary team staffing required
585 under this subparagraph may occur before the initial placement
586 or, if a staffing is not possible before the initial placement,
587 must occur as soon as possible after initial removal and
588 placement to evaluate the appropriateness of the initial
589 placement and to ensure that any adjustments to the placement,
590 if necessary, are promptly handled.

591 2. Changes in physical custody after the child is placed in
592 out-of-home care by a court and, if necessary, determination of
593 an appropriate mandatory transition plan in accordance with s.
594 39.4023.

595 3. Changes in a child's educational placement and, if
596 necessary, determination of an appropriate mandatory transition
597 plan in accordance with s. 39.4023.

598 4. Placement decisions for a child as required by
599 subparagraph 1., subparagraph 2., or subparagraph 3. which
600 involve sibling groups that require placement in accordance with
601 s. 39.4024.

602 5. Any other important decisions in the child's life which
603 are so complex that the department or appropriate community-
604 based care lead agency determines convening a multidisciplinary
605 team staffing is necessary to ensure the best interest of the
606 child is maintained.

607 (b) This section does not apply to multidisciplinary team
608 staffings that occur for one of the decisions specified in
609 paragraph (a) and that are facilitated by a children's advocacy

595-02742-21

202180c2

610 center in accordance with s. 39.3035. The children's advocacy
611 center that facilitates a staffing is encouraged to include
612 family members or other persons important to the family in the
613 staffing if the children's advocacy center determines it is safe
614 for the child to involve such persons.

615 (c) This section does not apply to placements made pursuant
616 to s. 63.082(6).

617 (6) ASSESSMENTS.—

618 (a)1. The multidisciplinary team staffing participants
619 must, before formulating a decision under this section, gather
620 and consider data and information on the child which is known at
621 the time, including, but not limited to:

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

623 b. Mental, medical, behavioral health, and medication
624 history;

625 c. Community ties and school placement;

626 d. The stability and longevity of the child's current
627 placement;

628 e. The established bonded relationship between the child
629 and the current or proposed caregiver;

630 f. The child's previous and current relationship with a
631 sibling, if the change in physical custody or placement will
632 separate or reunite siblings, evaluated in accordance with s.
633 39.4024;

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

637 h. The reasonable preference of the child, if the child is
638 of sufficient age and capacity to express a preference;

595-02742-21

202180c2

- 639 i. The recommendation of the child's current caregiver, if
640 applicable;
- 641 j. The recommendation of the child's guardian ad litem, if
642 one has been appointed;
- 643 k. The likelihood of the child attaining permanency in the
644 current or proposed placement;
- 645 l. The likelihood that the child will have to change
646 schools or day care placement, the impact of such a change, and
647 the parties' recommendations as to the timing of the change,
648 including an education transition plan required under s.
649 39.4023;
- 650 m. The disruption of continuity of care with medical,
651 mental health, behavioral health, dental, or other treatment
652 services the child is receiving at the time of the change of
653 custody decision;
- 654 n. The allegations of any abuse, abandonment, or neglect,
655 including sexual abuse and trafficking history, which caused the
656 child to be placed in out-of-home care and any history of
657 additional allegations of abuse, abandonment, or neglect;
- 658 o. The impact on activities that are important to the
659 child, including the ability of the child to continue in such
660 activities;
- 661 p. The impact on the child's future access to education,
662 Medicaid, and independent living benefits; and
- 663 q. Any other relevant factors.
- 664 2. Multidisciplinary team staffings may not be delayed to
665 accommodate pending behavioral health screenings or assessments
666 or pending referrals for services.
- 667 (b) The assessment conducted by the multidisciplinary team

595-02742-21

202180c2

668 may also use an evidence-based assessment instrument or tool
669 that is best suited for determining the specific decision of the
670 staffing and the needs of that individual child and family.

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

676 1. Identified kin and relatives who express interest in
677 caring for the child, including strategies to overcome potential
678 delays in placing the child with such persons if they are
679 suitable.

680 2. The likelihood that the child can remain with the
681 prospective caregiver past the point of initial removal and
682 placement with, or subsequent transition to, the caregiver and
683 the willingness of the caregiver to provide care for any
684 duration deemed necessary if placement is made.

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

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

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

690 c. Help nurture the child during the transition into out-
691 of-home care;

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

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

695 f. Ensure frequent family visits and sibling visits.

696 4. Placement decisions for each child in out-of-home

595-02742-21

202180c2

697 placement which are made under this paragraph must be reviewed
698 as often as necessary to ensure permanency for that child and to
699 address special issues that may arise which are unique to
700 younger children.

701 (d)1. If the participants of a multidisciplinary team
702 staffing reach a unanimous consensus decision, it becomes the
703 official position of the community-based care lead agency
704 regarding the decision under subsection (5) for which the team
705 convened. Such decision is binding upon all department and lead
706 agency participants, who are obligated to support it.

707 2. If the participants of a multidisciplinary team staffing
708 cannot reach a unanimous consensus decision on a plan to address
709 the identified goal, the trained professional acting as the
710 facilitator shall notify the court and the department within 48
711 hours after the conclusion of the staffing. The department shall
712 then determine how to address the identified goal of the
713 staffing by what is in the child's best interest.

714 (7) CONVENING A TEAM UPON REMOVAL.—The formation of a
715 multidisciplinary team staffing must begin as soon as possible
716 when a child is removed from a home. The multidisciplinary team
717 must convene a staffing no later than 72 hours from the date of
718 a subsequent removal in an emergency situation in accordance
719 with s. 39.4023.

720 (8) REPORT.—If a multidisciplinary team staffing fails to
721 reach a unanimous consensus decision, the facilitator must
722 prepare and submit a written report to the court within 5
723 business days after the conclusion of the staffing which details
724 the decision made at the conclusion of the multidisciplinary
725 team staffing under subsection (6) and the positions of the

595-02742-21

202180c2

726 staffing's participants.

727 (9) CONFIDENTIALITY.—Notwithstanding any other provision of
728 law, participants representing the department and the community-
729 based care lead agency may discuss confidential information
730 during a multidisciplinary team staffing in the presence of
731 individuals who participate in the staffing. Information
732 collected by any agency or entity that participates in the
733 multidisciplinary team staffing which is confidential and exempt
734 upon collection remains confidential and exempt when discussed
735 in a staffing required under this section. All individuals who
736 participate in the staffing shall maintain the confidentiality
737 of any information shared during the staffing.

738 (10) CONSTRUCTION.—This section may not be construed to
739 mean that multidisciplinary team staffings coordinated by the
740 department or the appropriate lead agency for purposes other
741 than those provided for in subsection (5) before October 1,
742 2021, are no longer required to be conducted or are required to
743 be conducted in accordance with this section. Further, this
744 section may not be construed to create a duty on the department
745 or lead agency to attend multidisciplinary staffings that the
746 department or lead agency does not attend for any purpose
747 specified in subsection (5) for which the department or lead
748 agency is not required to attend before October 1, 2021.

749 (11) RULEMAKING.—The department shall adopt rules to
750 implement this section.

751 Section 6. Section 39.4023, Florida Statutes, is created to
752 read:

753 39.4023 Placement and education transitions; transition
754 plans.—

595-02742-21

202180c2

755 (1) LEGISLATIVE FINDINGS AND INTENT.—

756 (a) The Legislature finds that many children in out-of-home
757 care experience multiple changes in placement, and those
758 transitions often result in trauma not only for the child but
759 also for caregivers, families, siblings, and all professionals
760 involved.

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

766 (c) The Legislature finds that the best child welfare
767 practices recognize the need to prioritize the minimization of
768 the number of placements for every child in out-of-home care.
769 Further, the Legislature finds that efforts must be made to
770 support caregivers in order to promote stability. When placement
771 changes are necessary, they must be thoughtfully planned.

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

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

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

782 (a) "Educational change" means any time a child is moved
783 between schools when such move is not the result of the natural

595-02742-21

202180c2

784 transition from elementary school to middle school or middle
785 school to high school. The term also includes changes in child
786 care or early education programs for infants and toddlers.

787 (b) "Emergency situation" means that there is an imminent
788 risk to the health or safety of the child, other children, or
789 others in the home or facility if the child remains in the
790 placement.

791 (c) "Placement change" means any time a child is moved from
792 one caregiver to another, including moves to a foster home, a
793 group home, relatives, prospective guardians, or prospective
794 adoptive parents and reunification with parents or legal
795 custodian. A child being moved temporarily to respite care for
796 the purpose of providing the primary caregiver relief does not
797 constitute a placement change.

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

800 (3) PLACEMENT TRANSITIONS.-

801 (a) Mandatory transition plans.-Except as otherwise
802 provided, the department or the community-based care lead agency
803 shall create and implement an individualized transition plan
804 before each placement change experienced by a child.

805 (b) Minimizing placement transitions.-Once a caregiver
806 accepts the responsibility of caring for a child, the child may
807 be removed from the home of the caregiver only if:

- 808 1. The caregiver is unwilling or unable to safely or
809 legally care for the child;
810 2. The child and the birth or legal parent are reunified;
811 3. The child is being placed in a legally permanent home in
812 accordance with a case plan or court order; or

595-02742-21

202180c2

813 4. The removal is demonstrably in the best interest of the
814 child.

815 (c) Services to prevent disruption.—The community-based
816 care lead agency shall provide any supportive services deemed
817 necessary to a caregiver and a child if the child's current out-
818 of-home placement with the caregiver is in danger of needing
819 modification. The supportive services must be offered in an
820 effort to remedy the factors contributing to the placement being
821 considered unsuitable and therefore contributing to the need for
822 a change in placement.

823 (d) Transition planning.—

824 1. If the supportive services provided pursuant to
825 paragraph (c) have not been successful to make the maintenance
826 of the placement suitable or if there are other circumstances
827 that require the child to be moved, the department or the
828 community-based care lead agency must convene a
829 multidisciplinary team staffing as required under s. 39.4022
830 before the child's placement is changed, or within 72 hours of
831 moving the child in an emergency situation, for the purpose of
832 developing an appropriate transition plan.

833 2. A placement change may occur immediately in an emergency
834 situation without convening a multidisciplinary team staffing.
835 However, a multidisciplinary team staffing must be held within
836 72 hours after the emergency situation arises.

837 3. At least 14 days before moving a child from one out-of-
838 home placement to another or within 72 hours after an emergency
839 situation, the department or the community-based care lead
840 agency must provide written notice of the planned move and must
841 include in the notice the reason a placement change is

595-02742-21

202180c2

842 necessary. A copy of the notice must be filed with the court and
843 be provided to:

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

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

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

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

851 e. The attorney for the child, if one is appointed; and

852 f. The attorney for the department.

853 4.a. The transition plan must be developed through
854 cooperation among the persons included in subparagraph 3., and
855 such persons must share any relevant information necessary to
856 ensure that the transition plan does all of the following:

857 (I) Respects the child's developmental stage and
858 psychological needs.

859 (II) Ensures the child has all of his or her belongings and
860 is allowed to help pack those belongings when appropriate.

861 (III) Allows for a gradual transition from the current
862 caregiver's home with substantial overlap between the two
863 caregivers and provides time for the child to have a final
864 visitation with everyone important to the child from the current
865 placement, including pets.

866 (IV) Allows, when possible, for continued contact with the
867 previous caregiver and others in the home after the child
868 leaves.

869 (V) Prohibits a placement change which occurs between 7
870 p.m. and 8 a.m.

595-02742-21

202180c2

871 b. However, this subparagraph is not applicable when the
872 basis for a removal necessitating the transition plan is the
873 result of an emergency situation due to direct safety concerns
874 caused by a caregiver in the current placement.

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

879 (e) Additional considerations for transitions of infants
880 and children under school age.—Relationship patterns over the
881 first year of life are important predictors of future
882 relationships. Research demonstrates that babies begin to form a
883 strong attachment to a caregiver at approximately 7 months of
884 age. From that period of time through age 2, moving a child from
885 a caregiver who is the psychological parent is considerably more
886 damaging. Placement decisions must focus on promoting security
887 and continuity for infants and children under 5 years of age in
888 out-of-home care. Transition plans for infants and young
889 children must describe the facts that were considered when each
890 of the following were discussed and must specify what decision
891 was made as to how each of the following applies to the child:

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

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

898 b. Seven months of age or older, but younger than 3 years
899 of age, thereby indicating it may not be a healthy time to move

595-02742-21

202180c2

900 the child.

901 2. The length of time the child has lived with the current
902 caregiver, the strength of attachment to the current caregiver,
903 and the harm of disrupting a healthy attachment compared to the
904 possible advantage of a change in placement.

905 3. The relationship, if any, the child has with the new
906 caregiver and whether a reciprocal agreement exists between the
907 current caregiver and the prospective caregiver to maintain the
908 child's relationship with both caregivers.

909 4. The pace of the transition and whether flexibility
910 exists to accelerate or slow down the transition based on the
911 child's needs and reactions.

912 (f) Preparation of prospective caregivers before
913 placement.—

914 1. Prospective caregivers must be fully informed of the
915 child's needs and circumstances and be willing and able to
916 accept responsibility for providing high-quality care for such
917 needs and circumstances before placement.

918 2. The community-based care lead agency shall review with
919 the prospective caregiver the caregiver's roles and
920 responsibilities according to the parenting partnerships plan
921 for children in out-of-home care pursuant to s. 409.1415. The
922 case manager shall sign a copy of the parenting partnerships
923 plan and obtain the signature of the prospective caregiver
924 acknowledging explanation of the requirements before placement.

925 (4) EDUCATION TRANSITIONS.—

926 (a) Findings.—Children in out-of-home care frequently
927 change child care, early education programs, and schools. These
928 changes can occur when the child first enters out-of-home care,

595-02742-21

202180c2

929 when the child must move from one caregiver to another, or when
930 the child returns home upon reunification. Research shows that
931 children who change schools frequently make less academic
932 progress than their peers and fall further behind with each
933 school change. Additionally, educational instability at any
934 level makes it difficult for children to develop supportive
935 relationships with teachers or peers. State and federal law
936 contain requirements that must be adhered to in order to ensure
937 educational stability for a child in out-of-home care. A child's
938 educational setting should only be changed when maintaining the
939 educational setting is not in the best interest of the child.

940 (b) *Mandatory educational transition plans.*—The department
941 or the community-based care lead agency shall create and
942 implement an individualized transition plan each time a child
943 experiences a school change.

944 (c) *Minimizing school changes.*—

945 1. Every effort must be made to keep a child in the school
946 of origin. Any placement decision must include thoughtful
947 consideration of which school a child will attend if a school
948 change is necessary.

949 2. A determination that it is not the child's best interest
950 to remain in the school of origin and of which school the child
951 will attend in the future must be made in consultation with the
952 following individuals, including, but not limited to, the child;
953 the parents; the caregiver; the child welfare professional; the
954 guardian ad litem, if appointed; the educational surrogate, if
955 appointed; child care and educational staff, including teachers
956 and guidance counselors; and the school district representative
957 or foster care liaison.

595-02742-21

202180c2

- 958 3. If a determination is made that remaining in the school
959 or program of origin is not in the child's best interest,
960 selection of a new school or program must consider relevant
961 factors, including, but not limited to:
- 962 a. The child's desire to remain in the school or program of
963 origin.
- 964 b. The preference of the child's parents or legal
965 guardians.
- 966 c. Whether the child has siblings, close friends, or
967 mentors at the school or program of origin.
- 968 d. The child's cultural and community connections in the
969 school or program of origin.
- 970 e. Whether the child is suspected of having a disability
971 under the Individuals with Disabilities Education Act (IDEA) or
972 s. 504 of the Rehabilitation Act of 1973, or has begun receiving
973 interventions under this state's multitiered system of supports.
- 974 f. Whether the child has an evaluation pending for special
975 education and related services under IDEA or s. 504 of the
976 Rehabilitation Act of 1973.
- 977 g. Whether the child is a student with a disability under
978 IDEA who is receiving special education and related services or
979 a student with a disability under s. 504 of the Rehabilitation
980 Act of 1973 who is receiving accommodations and services and, if
981 so, whether those required services are available in a school or
982 program other than the school or program of origin.
- 983 h. Whether the child is an English Language Learner student
984 and is receiving language services, and if so, whether those
985 required services are available in a school or program other
986 than the school or program of origin.

595-02742-21

202180c2

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

989 j. The availability of extracurricular activities important
990 to the child.

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

995 l. The child's permanency goal and timeframe for achieving
996 permanency.

997 m. The child's history of school transfers and how such
998 transfers have impacted the child academically, emotionally, and
999 behaviorally.

1000 n. The length of the commute to the school or program from
1001 the child's home or placement and how such commute would impact
1002 the child.

1003 o. The length of time the child has attended the school or
1004 program of origin.

1005 4. The cost of transportation cannot be a factor in making
1006 a best interest determination.

1007 (d) *Transitions between child care and early education*
1008 programs.—When a child enters out-of-home care or undergoes a
1009 placement change, the child shall, if possible, remain with a
1010 familiar child care provider or early education program unless
1011 there is an opportunity to transition to a higher quality
1012 program. If it is not possible for the child to remain with the
1013 familiar child care provider or early education program or
1014 transition to a higher quality program, the child's transition
1015 plan must be made with the participation of the child's current

595-02742-21

202180c2

1016 and future school or program. The plan must give the child an
1017 opportunity to say goodbye to important figures in the
1018 educational environment.

1019 (e) *Transitions between K-12 schools.*—The transition plan
1020 for a transition between K-12 schools must include all of the
1021 following:

1022 1. Documentation that the department or community-based
1023 care lead agency has made the decision to change the child's
1024 school in accordance with paragraph (c). The plan must include a
1025 detailed discussion of all factors considered in reaching the
1026 decision to change the child's school.

1027 2. Documentation that the department or community-based
1028 care lead agency has coordinated with local educational agencies
1029 to provide immediate and appropriate enrollment in a new school,
1030 including transfer of educational records, any record of a
1031 school-entry health examination, and arrangements for
1032 transportation to the new school.

1033 3. Discussion of the timing of the proposed school change
1034 which addresses the potential impact on the child's education
1035 and extracurricular activities. This section must include, at a
1036 minimum, grading periods, exam schedules, credit acquisitions,
1037 sports eligibility, and extracurricular participation.

1038 4. Details concerning the transportation of the child to
1039 school.

1040 (5) TRANSITION PLAN AND DOCUMENTATION.—

1041 (a) The department, in collaboration with the Quality
1042 Parenting Initiative, shall develop a form to be completed and
1043 updated each time a child in out-of-home care is moved from one
1044 placement to another.

595-02742-21

202180c2

1045 (b) A completed form must be attached to the case record
1046 face sheet required to be included in the case file pursuant to
1047 s. 39.00146. The form must be used statewide and, at a minimum,
1048 must include all of the following information:

1049 1. The membership of the multidisciplinary team staffing
1050 convened under s. 39.4022 to develop a transition plan for the
1051 change in placement and the dates on which the team met.

1052 2. The name of the person who served as the facilitator in
1053 that specific multidisciplinary team staffing.

1054 3. The topics considered by the multidisciplinary team
1055 staffing in order to ensure an appropriate transition.

1056 4. The recommendations of the multidisciplinary team and
1057 the name of each individual or entity responsible for carrying
1058 out each recommendation.

1059 (c) The department or the community-based care lead agency
1060 shall document all multidisciplinary team staffings and
1061 placement transition decisions in the Florida Safe Families
1062 Network and must include the information in the social study
1063 report for judicial review, as required under s. 39.701.

1064 (6) EXEMPTION.—Placements made pursuant to s. 63.082(6) are
1065 exempt from this section.

1066 (7) RULEMAKING.—The department shall adopt rules to
1067 implement this section.

1068 Section 7. Section 39.4024, Florida Statutes, is created to
1069 read:

1070 39.4024 Placement of siblings; visitation; continuing
1071 contact.—

1072 (1) LEGISLATIVE FINDINGS.—

1073 (a) The Legislature finds that sibling relationships can

595-02742-21

202180c2

1074 provide a significant source of continuity throughout a child's
1075 life and are likely to be the longest relationships that most
1076 individuals experience. Further, the placement of siblings
1077 together can increase the likelihood of achieving permanency and
1078 is associated with a significantly higher rate of family
1079 reunification.

1080 (b) The Legislature finds that it is beneficial for a child
1081 who is placed in out-of-home care to be able to continue
1082 existing relationships with his or her siblings, regardless of
1083 age, so that they may share their strengths and association in
1084 their everyday and often common experiences.

1085 (c) The Legislature also finds that healthy connections
1086 with siblings can serve as a protective factor for children who
1087 have been placed in out-of-home care. The Legislature finds that
1088 child protective investigators and caseworkers should be aware
1089 of the variety of demographic and external situational factors
1090 that may present challenges to placement in order to identify
1091 such factors relevant to a particular group of siblings and
1092 ensure that these factors are not the sole reasons that siblings
1093 are not placed together.

1094 (d) The Legislature also finds that it is the
1095 responsibility of all entities and adults involved in a child's
1096 life, including, but not limited to, the department, community-
1097 based care lead agencies, parents, foster parents, guardians ad
1098 litem, next of kin, and other persons important to the child to
1099 seek opportunities to foster sibling relationships to promote
1100 continuity and help sustain family connections.

1101 (e) While there is a presumption in law and policy that it
1102 is in the best interest of a child going into out-of-home care

595-02742-21

202180c2

1103 to be placed with any siblings, the Legislature finds that
1104 overall well-being of the child and family improves when the
1105 person or team responsible for placement decisions evaluates the
1106 child's sibling and family bonds and prioritizes the bonds that
1107 are unique drivers of the child's ability to maintain and
1108 develop healthy relationships. The person or team with an
1109 understanding of the need to balance all attachment bonds of a
1110 child and the potential need to prioritize existing and healthy
1111 sibling relationships differently than a potential or unhealthy
1112 sibling relationship over a healthy existing bond with a
1113 caregiver will result in more stable and healthier placements
1114 for all children in out-of-home care.

1115 (2) DEFINITIONS.—As used in this section, the term:

1116 (a) "Lead agency" means a community-based care lead agency
1117 under contract with the department to provide care to children
1118 in foster care under chapter 409.

1119 (b) "Multidisciplinary team" has the same meaning as
1120 provided in s. 39.4022.

1121 (c) "Sibling" means:

1122 1. A child who shares a birth parent or legal parent with
1123 one or more other children; or

1124 2. A child who has lived together in a family with one or
1125 more other children whom he or she identifies as siblings.

1126 (3) PLACEMENT OF SIBLINGS IN OUT-OF-HOME CARE.—

1127 (a) General provisions.—

1128 1. The department or lead agency shall make reasonable
1129 efforts to place sibling groups that are removed from their home
1130 in the same foster, kinship, adoptive, or guardianship home when
1131 it is in the best interest of each sibling and when an

595-02742-21

202180c2

1132 appropriate, capable, and willing joint placement for the
1133 sibling group is available.

1134 2. If a child enters out-of-home care after his or her
1135 sibling, the department or lead agency and the multidisciplinary
1136 team shall make reasonable efforts to initially place the child
1137 who has entered out-of-home care with his or her siblings in the
1138 sibling's existing placement, provided it would not jeopardize
1139 the stability of such placement and it is in the best interest
1140 for each child.

1141 3. When determining whether to move a child from a current
1142 placement to a new placement when such change is initiated by a
1143 sibling relationship, all relevant factors must be considered by
1144 the multidisciplinary team to ensure that the child is best
1145 served by the decision. A uniform policy that does not consider
1146 and apply a balancing test to ensure all existing attachment
1147 bonds for a child and his or her siblings are honored and
1148 evaluated holistically may result in placement decisions or
1149 changes of placement decisions that may result in additional
1150 trauma.

1151 4. The department and the court are not required to make a
1152 change in placement, whether such change is to the physical
1153 residential address of the child or the legal custody of the
1154 child, to develop a relationship between siblings which did not
1155 exist at the time a child is placed in out-of-home care.

1156 (b) Factors to consider when placing sibling groups.-

1157 1. At the time a child who is a part of a sibling group is
1158 removed from the home, the department or lead agency shall
1159 convene a multidisciplinary team staffing in accordance with s.
1160 39.4022 to determine and assess the sibling relationships from

595-02742-21

202180c2

1161 the perspective of each child to ensure the best placement of
1162 each child in the sibling group. The multidisciplinary team
1163 shall consider all relevant factors included in s. 39.4022 and
1164 this section, including, but not limited to, the existing
1165 emotional ties between and among the siblings, the degree of
1166 harm each child is likely to experience as a result of
1167 separation, and the standard protocols established by the
1168 Quality Parenting Initiative under paragraph (d).

1169 2.a. If the department or the appropriate lead agency is
1170 able to locate a caregiver that will accept the sibling group
1171 and the multidisciplinary team determines that the placement is
1172 suitable for each child, the sibling group must be placed
1173 together.

1174 b. If the department or appropriate lead agency is not able
1175 to locate a caregiver or placement option that allows the
1176 sibling group to be placed together in an initial placement, the
1177 department or lead agency must make all reasonable efforts to
1178 ensure contact and visitation between siblings placed in
1179 separate out-of-home care placements and provide reviews of the
1180 placements in accordance with this section.

1181 3. If all the siblings are unable to be placed in an
1182 existing placement and the siblings do not have an existing
1183 relationship, when determining whether to move any child who is
1184 part of the sibling group from his or her current placement to a
1185 new placement that will unite the sibling group, the department
1186 or lead agency must consider all of the following additional
1187 factors:

1188 a. The presence and quality of current attachment
1189 relationships, including:

595-02742-21

202180c2

1190 (I) The quality and length of the attachment of the child
1191 to both the current and prospective caregiver;

1192 (II) The age of the child at placement with the current
1193 caregiver and the child's current age as well as the ages of any
1194 siblings;

1195 (III) The ease with which the child formed an attachment to
1196 the current family;

1197 (IV) Any indications of attachment difficulty in the
1198 child's history; and

1199 (V) The number of moves and number of caregivers the child
1200 has experienced.

1201 b. The potential of the new caregiver to be a primary
1202 attachment figure to the sibling group by ensuring care for each
1203 child's physical needs and the willingness and availability to
1204 meet the each child's emotional needs.

1205 c. The quality of existing sibling relationships and the
1206 potential quality of sibling relationships that can be formed
1207 between the children.

1208 d. The consideration of any costs and benefits of
1209 disrupting existing emotional attachments to a primary caregiver
1210 to place children in a new placement with siblings, including:

1211 (I) The length and quality of the established and current
1212 primary attachment relationships between the siblings and
1213 between the siblings and their current caregivers; and

1214 (II) Relationships between any other siblings and whether
1215 such relationships appear adequate and not stressful or harmful.

1216 e. The ability to establish and maintain sibling visitation
1217 and contact pursuant to this section in a manner and schedule
1218 that makes sense for an infant or young child if it is

595-02742-21

202180c2

1219 determined that the infant or young child is to remain with his
1220 or her primary caregivers rather than be placed with his or her
1221 siblings.

1222 f. The ability to establish and maintain contact with the
1223 sibling and new caregiver as part of a transition plan developed
1224 in accordance with paragraph (c) and s. 39.4023 before changing
1225 the child's placement to allow the child, his or her siblings,
1226 and new caregiver to adjust and form bonds.

1227 (c) Transitioning a child after a determination.—If after
1228 considering the provisions and factors described in paragraphs
1229 (a) and (b) it is determined that the child would benefit from
1230 being placed with his or her siblings, the transition of the
1231 child to the new home must be carried out gradually in
1232 accordance with s. 39.4023.

1233 (d) Standards for evaluating sibling placements.—The
1234 department, in collaboration with the Quality Parenting
1235 Initiative, must develop standard protocols for the department
1236 and lead agency which incorporate the provisions and factors
1237 described in paragraphs (a), (b), and (c) and any other factors
1238 deemed relevant for use in making decisions about when placing
1239 siblings together would be contrary to a child's well-being or
1240 safety or decisions providing for frequent visitation and
1241 contact under subsection (4).

1242 (4) MAINTAINING CONTACT WHEN SIBLINGS ARE SEPARATED.—

1243 (a) Regular contact among a sibling group that cannot be
1244 placed together, especially among siblings with existing
1245 attachments to each other, is critical for the siblings to
1246 maintain their existing bonds and relationships or to develop
1247 such bonds and attachments, if appropriate. The following

595-02742-21

202180c2

1248 practices must be considered in helping to maintain or
1249 strengthen the relationships of separated siblings:

1250 1. Respect and support the child's ties to his or her birth
1251 or legal family, including parents, siblings, and extended
1252 family members, must be provided by the caregiver, and he or she
1253 must assist the child in maintaining allowable visitation and
1254 other forms of communication. The department and lead agency
1255 shall provide a caregiver with the information, guidance,
1256 training, and support necessary for fulfilling this
1257 responsibility.

1258 2. Provide adequate support to address any caregiver
1259 concerns and to enhance the caregiver's ability to facilitate
1260 contact between siblings who are not in the same out-of-home
1261 placement and promote the benefits of sibling contact.

1262 3. Prioritize placements with kinship caregivers who have
1263 an established personal relationship with each child so that
1264 even when siblings cannot be placed together in the same home,
1265 kinship caregivers are more likely to facilitate contact.

1266 4. Prioritize placement of siblings geographically near
1267 each other, such as in the same neighborhood or school district,
1268 to make it easier for the siblings to see each other regularly.

1269 5. Encourage frequent and regular visitation, if the
1270 siblings choose to do so, to allow the children to be actively
1271 involved in each other's lives and to participate in
1272 celebrations, including, but not limited to, birthdays,
1273 graduations, holidays, school and extracurricular activities,
1274 cultural customs, and other milestones.

1275 6. Provide other forms of contact when regular in-person
1276 meetings are not possible or are not sufficient to meet the

595-02742-21

202180c2

1277 needs or desires of the siblings, such as maintaining frequent
1278 contact through letters, e-mail, social media, cards, or
1279 telephone calls.

1280 7. Coordinate, when possible, joint outings or summer or
1281 weekend camp experiences to facilitate time together, including,
1282 but not limited to, activities or camps specifically designed
1283 for siblings in out-of-home care.

1284 8. Encourage joint respite care to assist the caregivers
1285 who are caring for separated siblings to have needed breaks
1286 while also facilitating contact among the siblings, including,
1287 but not limited to, providing babysitting or respite care for
1288 each other. A child being moved temporarily as respite care for
1289 the purpose of providing the primary caregiver relief and
1290 encouraging and facilitating contact among the siblings does not
1291 constitute a placement change or require the convening of a
1292 multidisciplinary team.

1293 9. Prohibit the withholding communication or visitation
1294 among the siblings as a form of punishment.

1295 (b) The court may limit or restrict communication or
1296 visitation under this subsection only upon a finding by clear
1297 and convincing evidence that the communication or visitation is
1298 harmful to the child. If the court makes such a finding, it must
1299 direct the department or lead agency to immediately provide
1300 services to ameliorate the harm so that communication and
1301 visitation may be restored as soon as possible.

1302 (5) SUBSEQUENT REVIEWS.—

1303 (a) The department and the lead agency shall periodically,
1304 but at least once every 6 months, reassess sibling placement,
1305 visitation, and other sibling contact decisions in cases where

595-02742-21

202180c2

1306 siblings are separated, not visiting, or not maintaining contact
1307 to determine if a change in placement is warranted unless the
1308 decision to not place a child with his or her sibling group was
1309 made due to such placement being inappropriate, unhealthy, or
1310 unsafe for the child.

1311 (b) If a child in a sibling group who has been placed in an
1312 out-of-home care placement with his or her siblings does not
1313 adjust to the placement, the lead agency must provide services
1314 to the caregiver and sibling group in accordance with s.
1315 39.4023(3) to try to prevent the disruption of the placement. If
1316 after reasonable efforts are made under s. 39.4023(3), the child
1317 still has not adjusted to the out-of-home placement, a
1318 multidisciplinary team staffing must be convened to determine
1319 what is best for all of the children. The multidisciplinary team
1320 shall review the current placement of the sibling group and
1321 choose a plan that will be least detrimental to each child. If
1322 the team determines that the best decision is to move the child
1323 who has not adjusted to a new out-of-home placement, the team
1324 must develop a transition plan in accordance with ss. 39.4022
1325 and 39.4023 which ensures the opportunity for the siblings to
1326 maintain contact in accordance with subsection (4) of this
1327 section.

1328 (c) If it becomes known that a child in out-of-home care
1329 has a sibling of whom the child, department, or lead agency was
1330 previously unaware, the department or lead agency must convene a
1331 multidisciplinary team staffing within a reasonable amount of
1332 time after the discovery of such sibling to decide if the
1333 current placement or permanency plan requires modification.

1334 (6) ADDITIONAL REQUIREMENTS AND CONSIDERATIONS.-

595-02742-21

202180c2

1335 (a) The department shall promptly provide a child with the
1336 location of and contact information for his or her siblings. If
1337 the existence or location of or contact information for a
1338 child's siblings is not known, the department must make
1339 reasonable efforts to ascertain such information.

1340 (b) If a child's sibling is also in out-of-home care and
1341 such sibling leaves out-of-home care for any reason, including,
1342 but not limited to, emancipation, adoption, or reunification
1343 with his or her parent or guardian, the child has a right to
1344 continued communication with his or her sibling as provided
1345 under subsection (4) either:

1346 1. Upon consent by the legally emancipated sibling, the
1347 sibling's adoptive parent, or the parent with whom the sibling
1348 was reunified; or

1349 2. By order of the court that is considering the adoption
1350 or reunification of the sibling who is leaving out-of-home care,
1351 provided the court determines that such communication is in the
1352 best interest of each sibling.

1353 (c) The department or the lead agency must document in
1354 writing any decision to separate siblings in the case file as
1355 required in s. 39.00146 and document the decision in the Florida
1356 Safe Families Network. The documentation must include any
1357 efforts made to keep the siblings together, an assessment of the
1358 short-term and long-term effects of separation on each child and
1359 the sibling group as a whole, and a description of the plan for
1360 communication or contact between the children if separation is
1361 approved.

1362 (7) EXEMPTION.—Placements made pursuant to s. 63.082(6) are
1363 exempt from this section.

595-02742-21

202180c2

1364 (8) RULEMAKING AUTHORITY.—The department shall adopt rules
1365 to implement this section.

1366 Section 8. Section 39.522, Florida Statutes, is amended to
1367 read:

1368 39.522 Postdisposition change of custody.—

1369 (1) The court may change the temporary legal custody or the
1370 conditions of protective supervision at a postdisposition
1371 hearing, without the necessity of another adjudicatory hearing.

1372 (2) (a) ~~(1) (a)~~ At any time before a child is residing in the
1373 permanent placement approved at the permanency hearing, a child
1374 who has been placed in the child's own home under the protective
1375 supervision of an authorized agent of the department, in the
1376 home of a relative, in the home of a legal custodian, or in some
1377 other place may be brought before the court by the department or
1378 by any other interested person, upon the filing of a motion
1379 alleging a need for a change in the conditions of protective
1380 supervision or the placement. If any party or the current
1381 caregiver denies ~~the parents or other legal custodians deny~~ the
1382 need for a change, the court shall hear all parties in person or
1383 by counsel, or both.

1384 (b) Upon the admission of a need for a change or after such
1385 hearing, the court shall enter an order changing the placement,
1386 modifying the conditions of protective supervision, or
1387 continuing the conditions of protective supervision as ordered.
1388 The standard for changing custody of the child shall be the best
1389 interests of the child. When determining whether a change of
1390 legal custody or placement is in the best interests of the
1391 child, the court shall consider the factors listed in s. 39.4022
1392 and the report filed by the multidisciplinary team, if

595-02742-21

202180c2

1393 applicable, unless the change of custody or placement is made
1394 pursuant to s. 63.082(6). The court shall also consider the
1395 priority of placements established under s. 39.4021 when making
1396 a decision regarding the best interest of the child in out-of-
1397 home care:

1398 ~~1. The child's age.~~

1399 ~~2. The physical, mental, and emotional health benefits to~~
1400 ~~the child by remaining in his or her current placement or moving~~
1401 ~~to the proposed placement.~~

1402 ~~3. The stability and longevity of the child's current~~
1403 ~~placement.~~

1404 ~~4. The established bonded relationship between the child~~
1405 ~~and the current or proposed caregiver.~~

1406 ~~5. The reasonable preference of the child, if the court has~~
1407 ~~found that the child is of sufficient intelligence,~~
1408 ~~understanding, and experience to express a preference.~~

1409 ~~6. The recommendation of the child's current caregiver.~~

1410 ~~7. The recommendation of the child's guardian ad litem, if~~
1411 ~~one has been appointed.~~

1412 ~~8. The child's previous and current relationship with a~~
1413 ~~sibling, if the change of legal custody or placement will~~
1414 ~~separate or reunite siblings.~~

1415 ~~9. The likelihood of the child attaining permanency in the~~
1416 ~~current or proposed placement.~~

1417 ~~10. Any other relevant factors.~~

1418 (c) (b) If the child is not placed in foster care, the new
1419 placement for the child must meet the home study criteria and
1420 court approval under this chapter.

1421 (3) (a) For purposes of this subsection, the term "change in

595-02742-21

202180c2

1422 physical custody” means a change by the department or community-
1423 based care lead agency to the child’s physical residential
1424 address, regardless of whether such change requires a court
1425 order to change the legal custody of the child. However, this
1426 term does not include a change in placement made pursuant to s.
1427 63.082(6).

1428 (b)1. In a hearing on the change of physical custody under
1429 this section, there shall be a rebuttable presumption that it is
1430 in the child’s best interest to remain permanently in his or her
1431 current physical placement if:

1432 a. The child has been in the same safe and stable placement
1433 for 9 consecutive months or more;

1434 b. Reunification is not a permanency option for the child;

1435 c. The caregiver is able, willing, and eligible for
1436 consideration as an adoptive parent or permanent custodian for
1437 the child;

1438 d. The caregiver is not requesting the change in physical
1439 placement; and

1440 e. The change in physical placement being sought is not to
1441 reunify the child with his or her parent or sibling or
1442 transition the child from a safe and stable nonrelative
1443 caregiver to a safe and stable relative caregiver.

1444 2. In order to rebut the presumption established in this
1445 paragraph, the court shall hold an evidentiary hearing on the
1446 change in physical custody to determine if the change in
1447 placement is in the best interest of the child. As part of the
1448 evidentiary hearing, the court must consider competent and
1449 substantial evidence and testimony related to the factors
1450 enumerated in s. 39.4022 and any other evidence deemed relevant

595-02742-21

202180c2

1451 to a determination of placement, including evidence from a
1452 court-selected neutral and independent expert in the science and
1453 research of child-parent bonding and attachment.

1454 3. This presumption may not be rebutted solely by the
1455 expressed wishes of a biological parent, a biological relative,
1456 or a caregiver of a sibling of the child.

1457 (c)1. The department or community-based care lead agency
1458 must notify a current caregiver who has been in the physical
1459 custody placement for at least 9 consecutive months and who
1460 meets all the established criteria in paragraph (b) of an intent
1461 to change the physical custody of the child, and a
1462 multidisciplinary team staffing must be held in accordance with
1463 ss. 39.4022 and 39.4023 at least 21 days before the intended
1464 date for the child's change in physical custody. If there is not
1465 a unanimous consensus decision reached by the multidisciplinary
1466 team, the department's official position must be provided to the
1467 parties within the designated time period as provided for in s.
1468 39.4022.

1469 2. A caregiver who objects to the department's official
1470 position on the change in physical custody must notify the court
1471 and the department or community-based care lead agency of his or
1472 her objection and the intent to request an evidentiary hearing
1473 in writing in accordance with this section within 5 days of
1474 receiving notice of the department's official position provided
1475 under subparagraph 1. The transition of the child to the new
1476 caregiver may not begin before the expiration of the 5-day
1477 period within which the current caregiver may object.

1478 3. Upon the department or community-based care lead agency
1479 receiving written notice of the caregiver's objection, the

595-02742-21

202180c2

1480 change to the child's physical custody must be placed in
1481 abeyance and the child may not be transitioned to a new physical
1482 placement without a court order.

1483 4. Within 7 days after receiving written notice from the
1484 caregiver, the court must conduct an initial case status
1485 hearing, at which time the court must:

1486 a. Grant party status to the current caregiver who is
1487 seeking permanent custody and has maintained physical custody of
1488 that child for at least 9 continuous months;

1489 b. Appoint an attorney for the child who is the subject of
1490 the permanent custody proceeding, in addition to the guardian ad
1491 litem, if one is appointed;

1492 c. Advise the caregiver of his or her right to retain
1493 counsel for purposes of the evidentiary hearing; and

1494 d. Appoint a court-selected neutral and independent expert
1495 in the science and research of child-parent bonding and
1496 attachment.

1497 (d) The court must conduct the evidentiary hearing and
1498 provide a written order of its findings regarding the placement
1499 that is in the best interest of the child no later than 90 days
1500 from the date the caregiver provided written notice to the court
1501 under this subsection. The court must provide its written order
1502 to the department or community-based care lead agency, the
1503 caregiver, and the prospective caregiver. The party status
1504 granted to the current caregiver under sub-subparagraph (c)4.a.
1505 terminates upon the written order by the court, or upon the 90-
1506 day time limit established in this paragraph, whichever occurs
1507 first.

1508 (e) If the court orders that the physical custody of the

595-02742-21

202180c2

1509 child change from the current caregiver after the evidentiary
1510 hearing, the department or community-based care lead agency must
1511 implement the appropriate transition plan developed in
1512 accordance with ss. 39.4022 and 39.4023 or as ordered by the
1513 court.

1514 (4)~~(2)~~ In cases where the issue before the court is whether
1515 a child should be reunited with a parent, the court shall review
1516 the conditions for return and determine whether the
1517 circumstances that caused the out-of-home placement and issues
1518 subsequently identified have been remedied to the extent that
1519 the return of the child to the home with an in-home safety plan
1520 prepared or approved by the department will not be detrimental
1521 to the child's safety, well-being, and physical, mental, and
1522 emotional health.

1523 (5)~~(3)~~ In cases where the issue before the court is whether
1524 a child who is placed in the custody of a parent should be
1525 reunited with the other parent upon a finding that the
1526 circumstances that caused the out-of-home placement and issues
1527 subsequently identified have been remedied to the extent that
1528 the return of the child to the home of the other parent with an
1529 in-home safety plan prepared or approved by the department will
1530 not be detrimental to the child, the standard shall be that the
1531 safety, well-being, and physical, mental, and emotional health
1532 of the child would not be endangered by reunification and that
1533 reunification would be in the best interest of the child.

1534 (6)~~(4)~~ In cases in which the issue before the court is
1535 whether to place a child in out-of-home care after the child was
1536 placed in the child's own home with an in-home safety plan or
1537 the child was reunified with a parent or caregiver with an in-

595-02742-21

202180c2

1538 home safety plan, the court must consider, at a minimum, the
1539 following factors in making its determination whether to place
1540 the child in out-of-home care:

1541 (a) The circumstances that caused the child's dependency
1542 and other subsequently identified issues.

1543 (b) The length of time the child has been placed in the
1544 home with an in-home safety plan.

1545 (c) The parent's or caregiver's current level of protective
1546 capacities.

1547 (d) The level of increase, if any, in the parent's or
1548 caregiver's protective capacities since the child's placement in
1549 the home based on the length of time the child has been placed
1550 in the home.

1551
1552 The court shall additionally evaluate the child's permanency
1553 goal and change the permanency goal as needed if doing so would
1554 be in the best interests of the child. If the court changes the
1555 permanency goal, the case plan must be amended pursuant to s.
1556 39.6013(5).

1557 Section 9. Subsections (2) and (5) of section 39.523,
1558 Florida Statutes, are amended to read:

1559 39.523 Placement in out-of-home care.—

1560 (2) ASSESSMENT AND PLACEMENT.—When any child is removed
1561 from a home and placed in ~~into~~ out-of-home care, a comprehensive
1562 placement assessment process shall be completed in accordance
1563 with s. 39.4022 to determine the level of care needed by the
1564 child and match the child with the most appropriate placement.

1565 (a) The community-based care lead agency or subcontracted
1566 agency with the responsibility for assessment and placement must

595-02742-21

202180c2

1567 coordinate a multidisciplinary team staffing as established in
1568 s. 39.4022 with the necessary participants for the stated
1569 purpose of the staffing ~~with any available individual currently~~
1570 ~~involved with the child including, but not limited to, a~~
1571 ~~representative from the department and the case manager for the~~
1572 ~~child; a therapist, attorney ad litem, guardian ad litem,~~
1573 ~~teachers, coaches, Children's Medical Services; and other~~
1574 ~~community providers of services to the child or stakeholders as~~
1575 ~~applicable. The team may also include clergy, relatives, and~~
1576 ~~fictive kin if appropriate. Team participants must gather data~~
1577 ~~and information on the child which is known at the time~~
1578 ~~including, but not limited to:~~

- 1579 1. ~~Mental, medical, behavioral health, and medication~~
1580 ~~history;~~
- 1581 2. ~~Community ties and school placement;~~
- 1582 3. ~~Current placement decisions relating to any siblings;~~
- 1583 4. ~~Alleged type of abuse or neglect including sexual abuse~~
1584 ~~and trafficking history; and~~
- 1585 5. ~~The child's age, maturity, strengths, hobbies or~~
1586 ~~activities, and the child's preference for placement.~~

1587 (b) The comprehensive placement assessment process may also
1588 include the use of an assessment instrument or tool that is best
1589 suited for the individual child.

1590 (c) The most appropriate available out-of-home placement
1591 shall be chosen after consideration by all members of the
1592 multidisciplinary team of all of the information and data
1593 gathered, including the results and recommendations of any
1594 evaluations conducted.

1595 (d) Placement decisions for each child in out-of-home

595-02742-21

202180c2

1596 placement shall be reviewed as often as necessary to ensure
1597 permanency for that child and address special issues related to
1598 this population of children.

1599 (e) The department, a sheriff's office acting under s.
1600 39.3065, a community-based care lead agency, or a case
1601 management organization must document all placement assessments
1602 and placement decisions in the Florida Safe Families Network.

1603 (f) If it is determined during the comprehensive placement
1604 assessment process that residential treatment as defined in s.
1605 39.407 would be suitable for the child, the procedures in that
1606 section must be followed.

1607 (5) RULEMAKING.—The department shall ~~may~~ adopt rules to
1608 implement this section.

1609 Section 10. Paragraph (e) of subsection (1) of section
1610 39.806, Florida Statutes, is amended to read:

1611 39.806 Grounds for termination of parental rights.—

1612 (1) Grounds for the termination of parental rights may be
1613 established under any of the following circumstances:

1614 (e) When a child has been adjudicated dependent, a case
1615 plan has been filed with the court, and:

1616 1. The child continues to be abused, neglected, or
1617 abandoned by the parent or parents. The failure of the parent or
1618 parents to substantially comply with the case plan for a period
1619 of 12 months after an adjudication of the child as a dependent
1620 child or the child's placement into shelter care, whichever
1621 occurs first, constitutes evidence of continuing abuse, neglect,
1622 or abandonment unless the failure to substantially comply with
1623 the case plan was due to the parent's lack of financial
1624 resources or to the failure of the department to make reasonable

595-02742-21

202180c2

1625 efforts to reunify the parent and child. The 12-month period
1626 begins to run only after the child's placement into shelter care
1627 or the entry of a disposition order placing the custody of the
1628 child with the department or a person other than the parent and
1629 the court's approval of a case plan having the goal of
1630 reunification with the parent, whichever occurs first; or

1631 2. The parent or parents have materially breached the case
1632 plan by their action or inaction. Time is of the essence for
1633 permanency of children in the dependency system. In order to
1634 prove the parent or parents have materially breached the case
1635 plan, the court must find by clear and convincing evidence that
1636 the parent or parents are unlikely or unable to substantially
1637 comply with the case plan before time to comply with the case
1638 plan expires.

1639 3. The child has been in care for any 12 of the last 22
1640 months and the parents have not substantially complied with the
1641 case plan so as to permit reunification under s. 39.522(4) ~~s.~~
1642 ~~39.522(2)~~ unless the failure to substantially comply with the
1643 case plan was due to the parent's lack of financial resources or
1644 to the failure of the department to make reasonable efforts to
1645 reunify the parent and child.

1646 Section 11. This act shall take effect October 1, 2021.