

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Valdés offered the following:

**Amendment to Amendment (854919) (with title amendment)**

Between lines 1050 and 1051, insert:

Section 12. Section 39.4085, Florida Statutes, is amended to read:

39.4085 ~~Legislative findings and declaration of intent for~~ Goals for dependent children; responsibilities; education.-

(1) The Legislature finds ~~and declares~~ that the design and delivery of child welfare services should be directed by the principle that the health and safety of children, including the freedom from abuse, abandonment, or neglect, is ~~should be~~ of

620311

Approved For Filing: 4/27/2021 8:17:18 AM

Amendment No.

13 paramount concern and, therefore, establishes the following  
14 goals for children in shelter or foster care:

15 ~~(a)-(1)~~ To receive a copy of this act and have it fully  
16 explained to them when they are placed in the custody of the  
17 department.

18 ~~(b)-(2)~~ To enjoy individual dignity, liberty, pursuit of  
19 happiness, and the protection of their civil and legal rights as  
20 persons in the custody of the state.

21 ~~(c)-(3)~~ To have their privacy protected, have their  
22 personal belongings secure and transported with them, and,  
23 unless otherwise ordered by the court, have uncensored  
24 communication, including receiving and sending unopened  
25 communications and having access to a telephone.

26 ~~(d)-(4)~~ To have personnel providing services who are  
27 sufficiently qualified and experienced to assess the risk  
28 children face before ~~prior to~~ removal from their homes and to  
29 meet the needs of the children once they are in the custody of  
30 the department.

31 ~~(e)-(5)~~ To remain in the custody of their parents or legal  
32 custodians unless and until there has been a determination by a  
33 qualified person exercising competent professional judgment that  
34 removal is necessary to protect their physical, mental, or  
35 emotional health or safety.

36 ~~(f)-(6)~~ To have a full risk, health, educational, medical,  
37 and psychological screening and, if needed, assessment and

620311

Approved For Filing: 4/27/2021 8:17:18 AM

Amendment No.

38 testing upon adjudication into foster care; and to have their  
39 photograph and fingerprints included in their case management  
40 file.

41 ~~(g)-(7)~~ To be referred to and receive services, including  
42 necessary medical, emotional, psychological, psychiatric, and  
43 educational evaluations and treatment, as soon as practicable  
44 after identification of the need for such services by the  
45 screening and assessment process.

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

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

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

54 ~~(k)-(11)~~ To be the subject of a plan developed by the  
55 counselor and the shelter or foster caregiver to deal with  
56 identified behaviors that may present a risk to the child or  
57 others.

58 ~~(l)-(12)~~ To be involved and incorporated, if ~~where~~  
59 appropriate, in the development of the case plan, to have a case  
60 plan which will address their specific needs, and to object to  
61 any of the provisions of the case plan.

620311

Approved For Filing: 4/27/2021 8:17:18 AM

Amendment No.

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

65        ~~(n) (14)~~ To receive regular communication with a case  
66 manager ~~caseworker~~, at least once a month, which shall include  
67 meeting with the child alone and conferring with the shelter or  
68 foster caregiver.

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

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

73        ~~(q) (17)~~ To receive a free and appropriate education;  
74 minimal disruption to their education and retention in their  
75 home school, if appropriate; referral to the child study team;  
76 all special educational services, including, if where  
77 appropriate, the appointment of a parent surrogate; and the  
78 sharing of all necessary information between the school board  
79 and the department, including information on attendance and  
80 educational progress.

81        ~~(r) (18)~~ To be able to raise grievances with the department  
82 over the care they are receiving from their caregivers, case  
83 managers ~~caseworkers~~, or other service providers.

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

620311

Approved For Filing: 4/27/2021 8:17:18 AM

Amendment No.

86 ~~(t) (20)~~ To have a guardian ad litem appointed to  
87 represent, within reason, their best interests and, if ~~where~~  
88 appropriate, an attorney ad litem appointed to represent their  
89 legal interests; the guardian ad litem and attorney ad litem  
90 shall have immediate and unlimited access to the children they  
91 represent.

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

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

99 ~~(w) (23)~~ To be afforded prompt access to all available  
100 state and federal programs, including, but not limited to: Early  
101 Periodic Screening, Diagnosis, and Testing (EPSDT) services,  
102 developmental services programs, Medicare and supplemental  
103 security income, Children's Medical Services, and programs for  
104 severely emotionally disturbed children.

105  
106 ~~The provisions of This subsection establishes section establish~~  
107 ~~goals and not rights. Nothing in This subsection does not~~  
108 ~~require section shall be interpreted as requiring~~ the delivery  
109 of any particular service or level of service in excess of  
110 existing appropriations. A ~~No~~ person does not ~~shall~~ have a cause

620311

Approved For Filing: 4/27/2021 8:17:18 AM

Amendment No.

111 of action against the state or any of its subdivisions,  
112 agencies, contractors, subcontractors, or agents, based upon the  
113 adoption of or failure to provide adequate funding for the  
114 achievement of these goals by the Legislature. This subsection  
115 does not ~~Nothing herein shall~~ require the expenditure of funds  
116 to meet the goals established in this subsection ~~herein~~ except  
117 those funds specifically appropriated for such purpose.

118 (2) The department shall operate with the understanding  
119 that the rights of children in shelter or foster care are  
120 critical to their safety, permanency, and well-being. The  
121 department shall work with all stakeholders to help such  
122 children become knowledgeable about their rights.

123 (3) (a) The case manager or other staff shall provide  
124 verbal and written instructions to a child entering shelter or  
125 foster care to educate the child on identifying and reporting  
126 abuse, abandonment, or neglect. The verbal and written  
127 instructions must use words and phrasing that each child can  
128 understand and must occur in a manner that is most effective for  
129 each child. The written instructions are only required if the  
130 child is of a sufficient age and understanding to receive such  
131 instructions. The case manager or other staff must give each  
132 child the opportunity to ask questions about his or her rights  
133 and how to identify and report abuse, abandonment, or neglect.  
134 The case manager or other staff shall document in court reports  
135 and case notes the date the information was provided to the

620311

Approved For Filing: 4/27/2021 8:17:18 AM

Amendment No.

136 child. The case manager or other staff must review the  
137 information with the child every 6 months and upon every  
138 placement change until the child leaves shelter or foster care.

139 (b) District school boards are authorized and encouraged  
140 to establish educational programs for students ages 5 through 18  
141 relating to identifying and reporting abuse, abandonment, or  
142 neglect and the effects of such abuse, abandonment, or neglect  
143 on a child. The district school boards may provide such programs  
144 in conjunction with the youth mental health awareness and  
145 assistance training program required under s. 1012.584, any  
146 other mental health education program offered by the school  
147 district, or any of the educational instruction required under  
148 s. 1003.42(2).

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151 **T I T L E A M E N D M E N T**

152 Remove line 2673 and insert:  
153 technical changes; amending s. 39.4085, F.S.; revising  
154 legislative intent; specifying goals of children in  
155 shelter or foster care; providing responsibilities of  
156 the Department of Children and Families, case  
157 managers, and other staff; authorizing district school  
158 boards to establish specified educational programs for  
159 certain students and provide such programs in

620311

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Amendment No.

160 | conjunction with other specified programs; amending s.  
161 | 39.4087, F.S.;

620311

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