

1 A bill to be entitled
2 An act relating to education for children and young
3 adults in out-of-home care; creating s. 39.4084, F.S.;
4 providing legislative findings and intent; requiring
5 the Department of Children and Families to work with
6 stakeholders to educate children and young adults in
7 out-of-home care regarding their rights, protections,
8 and benefits; providing requirements for specified
9 staff relating to providing certain materials and
10 information to such children and young adults,
11 reviewing certain information with such children and
12 young adults at specified intervals or upon each
13 placement change, and providing caregivers with a
14 written copy of the child's or young adult's rights,
15 protections, and benefits upon each placement change;
16 requiring specified facilities to post certain
17 materials; requiring the department to establish the
18 Office of the Ombudsperson to serve a specified
19 purpose; specifying dates by which the office must be
20 established, certain materials must be distributed,
21 and certain training must be provided; specifying the
22 duties of the office; authorizing the office to access
23 certain records and work with individuals and agencies
24 to resolve complaints under certain conditions;
25 requiring the office to submit an annual report to the

26 Legislature and the department by a specified date;
 27 providing requirements for such report; requiring the
 28 office to monitor the distribution of standardized
 29 materials and survey certain individuals for specified
 30 reasons; requiring the office to post the report on
 31 its public website; requiring the department to adopt
 32 rules; providing an effective date.

33

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

35

36 Section 1. Section 39.4084, Florida Statutes, is created
 37 to read:

38 39.4084 Education for children and young adults in out-of-
 39 home care.-

40 (1) LEGISLATIVE FINDINGS AND INTENT.-

41 (a) The Legislature believes that the purpose of chapter
 42 39 is to provide for the care, safety, and protection of
 43 children and young adults in an environment that fosters healthy
 44 social, emotional, intellectual, and physical development; to
 45 ensure a secure and safe custody arrangement for children and
 46 young adults in out-of-home care; to promote the health and
 47 well-being of children and young adults under the state's care;
 48 and to prevent the occurrence of child abuse, neglect, and
 49 abandonment.

50 (b) In furtherance of this purpose, the Legislature has

51 enacted numerous laws to directly benefit a child or young adult
52 who is subject to chapter 39 proceedings. The laws are located
53 throughout the Florida Statutes and are not collected in one
54 place and may not be easily understandable to a child, a young
55 adult, or his or her caregiver. Therefore, it is the
56 Legislature's intent to help such children, young adults, and
57 their caregivers understand their rights, protections, and
58 benefits existing under law by ensuring that they are provided
59 with regularly updated developmentally appropriate standardized
60 materials regarding such rights, protections, and benefits.

61 (c) The Legislature recognizes that a child or young adult
62 in out-of-home care can best advocate for himself or herself
63 when aware of the laws intended to benefit or protect him or
64 her. It is the intent of the Legislature to empower such
65 children or young adults to be stronger self-advocates by
66 learning, in a developmentally appropriate and understandable
67 way, about the laws enacted to benefit and protect them.

68 (d) Further, the Legislature finds that given the
69 complexity of the child welfare system in the state and the laws
70 that govern the system, a child or young adult in out-of-home
71 care may need the assistance of an ombudsperson in understanding
72 and accessing their rights, protections, and benefits afforded
73 by the law.

74 (e) Finally, it is not the intent of the Legislature that
75 this section be used for any purpose in a civil or an

76 administrative action. This section does not expand or limit any
 77 rights, protections, benefits, or remedies provided under any
 78 other law. The rights, protections, and benefits described in
 79 this section are broad expressions of the rights, protections,
 80 and benefits of children and young adults in the state's care
 81 and are not exhaustive of all rights, protections, and benefits
 82 set forth in the United States Constitution, in the State
 83 Constitution, or under federal or state law.

84 (2) DUTIES OF THE DEPARTMENT.—

85 (a) The department shall operate with the understanding
 86 that the rights, protections, and benefits of children and young
 87 adults in out-of-home care are critical to their safety,
 88 permanency, and well-being. The department shall work with
 89 stakeholders to ensure that a child or young adult in out-of-
 90 home care learns about his or her available rights and state and
 91 federal laws enacted to protect and benefit such children and
 92 young adults, including, but not limited to, laws relating to
 93 all of the following:

- 94 1. Safety.
- 95 2. Education.
- 96 3. Placement, visitation, and contact with siblings,
 97 family, and other individuals who are important to the child or
 98 young adult.
- 99 4. Participation in court proceedings.
- 100 5. Participation in permanency planning, transition

101 planning, and other case planning.

102 6. Access to food, clothing, shelter, and health care.

103 7. The topic of normalcy and what that means for children
104 and young adults in out-of-home care.

105 (b) The case manager, child protective investigator, or
106 other staff member must provide each child or young adult in
107 out-of-home care with a developmentally appropriate copy of
108 standardized materials prepared by the Office of the
109 Ombudsperson and explain to such child or young adult his or her
110 rights, protections, and benefits. Such case manager, child
111 protective investigator, or other staff member must also provide
112 the child or young adult with information and instructions about
113 the Office of the Ombudsperson and explain available options if
114 the child or young adult feels that his or her rights,
115 protections, or benefits are being violated or denied or his or
116 her needs are not being met. Such explanations must consist of
117 words and phrasing that each child or young adult can understand
118 and must occur in a manner that is most effective for each child
119 or young adult. The case manager, child protective investigator,
120 or other staff member must give each child or young adult the
121 opportunity to ask questions. The case manager, child protective
122 investigator, or other staff member shall document, in court
123 reports and case notes, the date on which the information and
124 instructions were provided and the date on which the available
125 options were explained to the child or young adult. The case

HB 1101

2023

126 manager, the child protective investigator, or other staff
127 member must review the information, instructions, and options,
128 including a developmentally appropriate copy of the standardized
129 materials, with the child or young adult at least every 6 months
130 or upon each placement change that results in a new caregiver
131 for the child or young adult until he or she leaves out-of-home
132 care. Upon each placement change, the case manager, child
133 protective investigator, or other staff member must provide the
134 child's caregiver with a written copy of the child's or young
135 adult's rights, protections, and benefits. A facility licensed
136 to care for six or more children or young adults in out-of-home
137 care must post the standardized materials created by the Office
138 of the Ombudsperson in a prominent place in the facility.

139 (3) OFFICE OF THE OMBUDSPERSON.—

140 (a) By September 1, 2023, the department shall establish
141 the Office of the Ombudsperson to serve as an autonomous entity
142 within the department to assist children and young adults in
143 out-of-home care with resolving issues when they feel their
144 rights, protections, or benefits are being violated or denied or
145 their needs are not being met. In addition to overseeing the
146 resolution process, the office shall develop and distribute
147 standardized materials and oversee the process of ensuring that
148 such children and young adults are educated about their rights,
149 protections, and benefits. The department shall ensure that the
150 office has sufficient staff to meet its goals and perform its

151 duties. By January 30, 2024, the office shall distribute the
152 standardized materials to the department and other stakeholders
153 and begin providing training and processes for the department
154 and stakeholders to comply with this section.

155 (b) The duties of the office include, but are not limited
156 to:

157 1. Developing a process for receiving, processing, and
158 resolving complaints by a child or young adult in out-of-home
159 care when the child or young adult feels his or her rights,
160 protections, or benefits are being violated or denied or his or
161 her needs are not being met. Such process must be developed in
162 consultation with children and youth advocacy organizations.

163 2. Educating children and young adults in out-of-home care
164 about their rights, protections, and benefits under state and
165 federal law as well as the purpose, contact information, and
166 services of the office.

167 3. Developing standardized materials for children and
168 young adults in out-of-home care which explain their rights,
169 protections, and benefits and the process for resolving
170 complaints. Such materials must be updated annually to reflect
171 legislative, administrative rule, and policy changes. Such
172 materials must be developed in consultation with the department,
173 children and youth advocacy organizations, and individuals who
174 are or were children or young adults in out-of-home care.

175 4. Providing such materials to courts, community-based

HB 1101

2023

176 care lead agencies and their contracted and subcontracted
177 providers, case workers, guardians ad litem and the Guardian Ad
178 Litem Program, and other individuals to assist in educating
179 children and young adults in out-of-home care about their
180 rights, protections, and benefits.

181 5. Maintaining a publicly available website and telephone
182 number; publicizing and conducting community outreach efforts;
183 and informing individuals about the office's services,
184 resolution processes, and standardized materials outlining the
185 rights, protections, and benefits of children and young adults
186 in out-of-home care.

187 6. Making inquiries and reviewing relevant information and
188 records as necessary to conduct investigations.

189 7. Developing and facilitating training for case managers,
190 child protective investigators, and other staff members on
191 educating children and young adults in out-of-home care about
192 their rights, protections, and benefits. Case managers, child
193 protective investigators, and other staff members must complete
194 annual training relating to such rights, protections, and
195 benefits.

196 (c) The office may access all relevant records maintained
197 by the department and its contracted and subcontracted providers
198 relating to complaints received. With the permission of the
199 child or young adult, the office may work with individuals and
200 agencies as needed to resolve the complaint.

HB 1101

2023

201 (d) Beginning July 30, 2024, and each July 30 thereafter,
202 the office shall submit a report to the President of the Senate,
203 the Speaker of the House of Representatives, and the department
204 which includes an analysis of data collected during the year by
205 the office and, consistent with such data, recommendations for
206 internal policy changes and improvements to the child welfare
207 system and the delivery of services. The data collected by the
208 office must include, but is not limited to, the number of
209 contacts with the office by children and young adults in out-of-
210 home care; the number of complaints received, including the type
211 and source of such complaints; the number of investigations
212 conducted by the office; complainant satisfaction with the
213 results of the office's investigations and resolutions; issues
214 that arose while the office was investigating complaints and, if
215 applicable, trends associated with such issues; the number of
216 referrals to services made by the office; and the number of
217 pending complaints. The office shall monitor the distribution of
218 the standardized materials throughout the state and periodically
219 survey stakeholders to evaluate and improve the degree to which
220 children and young adults in out-of-home care are adequately
221 informed of their rights, protections, and benefits. The report
222 must be posted on the office's public website.

223 (4) RULEMAKING.—The department shall adopt rules to
224 implement this section.

225 Section 2. This act shall take effect July 1, 2023.