

By the Committee on Children, Families, and Elder Affairs

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1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.01,
3 F.S.; defining a term; amending s. 39.013, F.S.;
4 extending court jurisdiction to age 22 for young
5 adults with disabilities in foster care; amending s.
6 39.402, F.S.; revising information that the Department
7 of Children and Families is required to inform the
8 court of at shelter hearings; revising the written
9 findings required to be included in an order for
10 placement of a child in shelter care; amending s.
11 39.521, F.S.; revising the required information a
12 court must include in its written orders of
13 disposition; amending s. 39.522, F.S.; providing
14 conditions under which a child may be returned home
15 with an in-home safety plan; amending s. 39.6011,
16 F.S.; providing the purpose of a case plan; requiring
17 a case plan to document that a preplacement plan has
18 been provided and reasonable efforts have been made to
19 prevent out-of-home placement; removing the
20 prohibition of threatening or coercing a parent with
21 the loss of custody or parental rights for failing to
22 admit certain actions in a case plan; providing that a
23 child must be given the opportunity to review, sign,
24 and receive a copy of his or her case plan; providing
25 additional requirements when the child attains a
26 certain age; requiring the case plan to document that
27 each parent has received additional written notices;
28 amending s. 39.6012, F.S.; providing additional
29 requirements for the department and criteria for a

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30 case plan, with regard to placement, permanency,
31 education, health care, contact with family, extended
32 family, and fictive kin, and independent living;
33 amending s. 39.6035, F.S.; requiring court approval of
34 a transition plan before the child's 18th birthday;
35 amending s. 39.621, F.S.; creating an exception to the
36 order of preference for permanency goals under ch. 39,
37 F.S., for maintaining and strengthening the placement;
38 authorizing the new permanency goal to be used in
39 specified circumstances; amending s. 39.701, F.S.;
40 revising the information which must be included in a
41 specified written report under certain circumstances;
42 requiring a court, if possible, to order the
43 department to file a written notification; creating s.
44 409.142, F.S.; providing legislative findings and
45 intent; defining the term "intervention services and
46 supports"; requiring specified intervention services
47 and supports; providing eligibility for such services
48 and supports; providing requirements for the provision
49 of services and supports; requiring community-based
50 care lead agencies to submit a monitoring plan to the
51 department by a certain date; requiring community-
52 based care lead agencies to annually collect and
53 report specified information for each child to whom
54 intervention services and supports are provided;
55 requiring the department to adopt rules; creating s.
56 409.143, F.S.; providing legislative findings and
57 intent; defining terms; requiring an initial placement
58 assessment for certain children under specified

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59 circumstances; requiring every child placed in out-of-
60 home care to be referred within a certain time for a
61 comprehensive behavioral health assessment; requiring
62 the department or the community-based care lead agency
63 to establish special permanency teams to assist
64 children in adjusting to home placement; requiring the
65 department to submit an annual report to the Governor
66 and the Legislature on the placement of children in
67 licensed out-of-home care; creating s. 409.144, F.S.;
68 providing legislative findings and intent; defining
69 terms; requiring the department to develop a continuum
70 of care for the placement of children in care
71 settings; requiring the department to submit a report
72 annually to the Governor and the Legislature;
73 requiring the department to adopt rules; amending s.
74 409.1451, F.S.; requiring that a child be living in
75 licensed care on or after his or her 18th birthday as
76 a condition for receiving aftercare services;
77 requiring the department to provide education training
78 vouchers; providing eligibility requirements;
79 prohibiting vouchers from exceeding a certain amount;
80 providing rulemaking authority; amending s. 409.988,
81 F.S.; requiring lead agencies to ensure the
82 availability of a full array of family support
83 services; requiring the department to submit annually
84 to the Governor and Legislature a report that
85 evaluates the adequacy of family support services;
86 requiring the department to adopt rules; amending s.
87 39.202, F.S.; revising the designation of an agency

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88 with access to records; amending ss. 39.302, 39.524,
89 39.6013, 394.495, 409.1678, 960.065, and 1002.3305,
90 F.S.; conforming cross-references; repealing s.
91 39.523, F.S., relating to the placement of children in
92 residential group care; repealing s. 409.141, F.S.,
93 relating to equitable reimbursement methodology;
94 repealing s. 409.1676, F.S., relating to comprehensive
95 residential group care services to children who have
96 extraordinary needs; repealing s. 409.1677, F.S.,
97 relating to model comprehensive residential services
98 programs; repealing s. 409.1679, F.S., relating to
99 program requirements and reimbursement methodology;
100 providing an effective date.

101
102 Be It Enacted by the Legislature of the State of Florida:

103
104 Section 1. Subsection (10) of section 39.01, Florida
105 Statutes, is amended, present subsections (20) through (79) of
106 that section are redesignated as subsections (21) through (80),
107 respectively, a new subsection (20) is added to that section,
108 and present subsection (32) of that section is amended, to read:

109 39.01 Definitions.—When used in this chapter, unless the
110 context otherwise requires:

111 (10) "Caregiver" means the parent, legal custodian,
112 permanent guardian, adult household member, or other person
113 responsible for a child's welfare as defined in subsection (48)
114 ~~subsection (47)~~.

115 (20) "Conditions for return" means the circumstances that
116 caused the out-of-home placement have been remedied to the

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117 extent that the return of the child to the home with an in-home
118 safety plan will not be detrimental to the child's safety, well-
119 being, and physical, mental, and emotional health.

120 (32) "Institutional child abuse or neglect" means
121 situations of known or suspected child abuse or neglect in which
122 the person allegedly perpetrating the child abuse or neglect is
123 an employee of a private school, public or private day care
124 center, residential home, institution, facility, or agency or
125 any other person at such institution responsible for the child's
126 care as defined in subsection (48) ~~subsection (47)~~.

127 Section 2. Paragraph (e) is added to subsection (2) of
128 section 39.013, Florida Statutes, to read:

129 39.013 Procedures and jurisdiction; right to counsel.—

130 (2) The circuit court has exclusive original jurisdiction
131 of all proceedings under this chapter, of a child voluntarily
132 placed with a licensed child-caring agency, a licensed child-
133 placing agency, or the department, and of the adoption of
134 children whose parental rights have been terminated under this
135 chapter. Jurisdiction attaches when the initial shelter
136 petition, dependency petition, or termination of parental rights
137 petition, or a petition for an injunction to prevent child abuse
138 issued pursuant to s. 39.504, is filed or when a child is taken
139 into the custody of the department. The circuit court may assume
140 jurisdiction over any such proceeding regardless of whether the
141 child was in the physical custody of both parents, was in the
142 sole legal or physical custody of only one parent, caregiver, or
143 some other person, or was not in the physical or legal custody
144 of any person when the event or condition occurred that brought
145 the child to the attention of the court. When the court obtains

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146 jurisdiction of any child who has been found to be dependent,
147 the court shall retain jurisdiction, unless relinquished by its
148 order, until the child reaches 21 years of age, with the
149 following exceptions:

150 (e) If a young adult with a disability remains in foster
151 care, jurisdiction shall continue until the young adult chooses
152 to leave foster care or upon the young adult reaching 22 years
153 of age, whichever occurs first.

154 Section 3. Paragraphs (f) and (h) of subsection (8) of
155 section 39.402, Florida Statutes, are amended to read:

156 39.402 Placement in a shelter.-

157 (8)

158 (f) At the shelter hearing, the department shall inform the
159 court of:

160 1. Any identified current or previous case plans negotiated
161 under this chapter in any judicial circuit district ~~district~~ with the
162 parents or caregivers ~~under this chapter~~ and problems associated
163 with compliance;

164 2. Any adjudication of the parents or caregivers of
165 delinquency;

166 3. Any past or current injunction for protection from
167 domestic violence; and

168 4. All of the child's places of residence during the prior
169 12 months.

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

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

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175 2. That placement in shelter care is in the best interest
176 of the child.

177 3. That the placement proposed by the department is in the
178 least restrictive and most family-like setting that meets the
179 needs of the child, unless it is otherwise documented that the
180 identified type of placement needed is not available.

181 ~~4.3.~~ That continuation of the child in the home is contrary
182 to the welfare of the child because the home situation presents
183 a substantial and immediate danger to the child's physical,
184 mental, or emotional health or safety which cannot be mitigated
185 by the provision of preventive services.

186 ~~5.4.~~ That based upon the allegations of the petition for
187 placement in shelter care, there is probable cause to believe
188 that the child is dependent or that the court needs additional
189 time, which may not exceed 72 hours, in which to obtain and
190 review documents pertaining to the family in order to
191 appropriately determine the risk to the child.

192 ~~6.5.~~ That the department has made reasonable efforts to
193 prevent or eliminate the need for removal of the child from the
194 home. A finding of reasonable effort by the department to
195 prevent or eliminate the need for removal may be made and the
196 department is deemed to have made reasonable efforts to prevent
197 or eliminate the need for removal if:

198 a. The first contact of the department with the family
199 occurs during an emergency;

200 b. The appraisal of the home situation by the department
201 indicates that the home situation presents a substantial and
202 immediate danger to the child's physical, mental, or emotional
203 health or safety which cannot be mitigated by the provision of

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204 preventive services;

205 c. The child cannot safely remain at home, either because
206 there are no preventive services that can ensure the health and
207 safety of the child or because, even with appropriate and
208 available services being provided, the health and safety of the
209 child cannot be ensured; or

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

213 ~~7.6.~~ That the department has made reasonable efforts to
214 keep siblings together if they are removed and placed in out-of-
215 home care unless such placement is not in the best interest of
216 each child. It is preferred that siblings be kept together in a
217 foster home, if available. Other reasonable efforts shall
218 include short-term placement in a group home with the ability to
219 accommodate sibling groups if such a placement is available. The
220 department shall report to the court its efforts to place
221 siblings together unless the court finds that such placement is
222 not in the best interest of a child or his or her sibling.

223 ~~8.7.~~ That the court notified the parents, relatives that
224 are providing out-of-home care for the child, or legal
225 custodians of the time, date, and location of the next
226 dependency hearing and of the importance of the active
227 participation of the parents, relatives that are providing out-
228 of-home care for the child, or legal custodians in all
229 proceedings and hearings.

230 ~~9.8.~~ That the court notified the parents or legal
231 custodians of their right to counsel to represent them at the
232 shelter hearing and at each subsequent hearing or proceeding,

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233 and the right of the parents to appointed counsel, pursuant to
234 the procedures set forth in s. 39.013.

235 ~~10.9.~~ That the court notified relatives who are providing
236 out-of-home care for a child as a result of the shelter petition
237 being granted that they have the right to attend all subsequent
238 hearings, to submit reports to the court, and to speak to the
239 court regarding the child, if they so desire.

240 Section 4. Paragraph (d) of subsection (1) of section
241 39.521, Florida Statutes, is amended to read:

242 39.521 Disposition hearings; powers of disposition.—

243 (1) A disposition hearing shall be conducted by the court,
244 if the court finds that the facts alleged in the petition for
245 dependency were proven in the adjudicatory hearing, or if the
246 parents or legal custodians have consented to the finding of
247 dependency or admitted the allegations in the petition, have
248 failed to appear for the arraignment hearing after proper
249 notice, or have not been located despite a diligent search
250 having been conducted.

251 (d) The court shall, in its written order of disposition,
252 include all of the following:

253 1. The placement or custody of the child, including whether
254 the placement is in the least restrictive and most family-like
255 setting that meets the needs of the child, as determined by
256 assessments completed pursuant to s. 409.143.

257 2. Special conditions of placement and visitation.

258 3. Evaluation, counseling, treatment activities, and other
259 actions to be taken by the parties, if ordered.

260 4. The persons or entities responsible for supervising or
261 monitoring services to the child and parent.

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262 5. Continuation or discharge of the guardian ad litem, as
263 appropriate.

264 6. The date, time, and location of the next scheduled
265 review hearing, which must occur within the earlier of:

266 a. Ninety days after the disposition hearing;

267 b. Ninety days after the court accepts the case plan;

268 c. Six months after the date of the last review hearing; or

269 d. Six months after the date of the child's removal from
270 his or her home, if no review hearing has been held since the
271 child's removal from the home.

272 7. If the child is in an out-of-home placement, child
273 support to be paid by the parents, or the guardian of the
274 child's estate if possessed of assets which under law may be
275 disbursed for the care, support, and maintenance of the child.
276 The court may exercise jurisdiction over all child support
277 matters, shall adjudicate the financial obligation, including
278 health insurance, of the child's parents or guardian, and shall
279 enforce the financial obligation as provided in chapter 61. The
280 state's child support enforcement agency shall enforce child
281 support orders under this section in the same manner as child
282 support orders under chapter 61. Placement of the child shall
283 not be contingent upon issuance of a support order.

284 8.a. If the court does not commit the child to the
285 temporary legal custody of an adult relative, legal custodian,
286 or other adult approved by the court, the disposition order
287 shall include the reasons for such a decision and shall include
288 a determination as to whether diligent efforts were made by the
289 department to locate an adult relative, legal custodian, or
290 other adult willing to care for the child in order to present

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291 that placement option to the court instead of placement with the
292 department.

293 b. If no suitable relative is found and the child is placed
294 with the department or a legal custodian or other adult approved
295 by the court, both the department and the court shall consider
296 transferring temporary legal custody to an adult relative
297 approved by the court at a later date, but neither the
298 department nor the court is obligated to so place the child if
299 it is in the child's best interest to remain in the current
300 placement.

301
302 For the purposes of this section, "diligent efforts to locate an
303 adult relative" means a search similar to the diligent search
304 for a parent, but without the continuing obligation to search
305 after an initial adequate search is completed.

306 9. Other requirements necessary to protect the health,
307 safety, and well-being of the child, to preserve the stability
308 of the child's educational placement, and to promote family
309 preservation or reunification whenever possible.

310 Section 5. Subsection (2) of section 39.522, Florida
311 Statutes, is amended to read:

312 39.522 Postdisposition change of custody.—The court may
313 change the temporary legal custody or the conditions of
314 protective supervision at a postdisposition hearing, without the
315 necessity of another adjudicatory hearing.

316 (2) In cases where the issue before the court is whether a
317 child should be reunited with a parent, the court shall
318 determine whether the circumstances that caused the out-of-home
319 placement have been remedied ~~parent has substantially complied~~

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320 ~~with the terms of the case plan to the extent that the return of~~
321 ~~the child to the home with an in-home safety plan will not be~~
322 ~~detrimental to the child's safety, well-being, and physical,~~
323 ~~mental, and emotional health of the child is not endangered by~~
324 ~~the return of the child to the home.~~

325 Section 6. Section 39.6011, Florida Statutes, is amended to
326 read:

327 (Substantial rewording of section. See
328 s. 39.6011, F.S., for present text.)

329 39.6011 Case plan purpose; requirements; procedures.-

330 (1) PURPOSE.-The purpose of the case plan is to promote and
331 facilitate change in parental behavior and to address the
332 treatment and long-term well-being of children receiving
333 services under this chapter.

334 (2) GENERAL REQUIREMENTS.-The department shall draft a case
335 plan for each child receiving services under this chapter. The
336 case plan must:

337 (a) Document that a preplacement assessment of the service
338 needs of the child and family, and preplacement preventive
339 services, if appropriate, have been provided pursuant to s.
340 409.142, and that reasonable efforts to prevent out-of-home
341 placement have been made.

342 (b) Be developed in a face-to-face conference with the
343 parent of the child, any court-appointed guardian ad litem, the
344 child's attorney, and, if appropriate, the temporary custodian
345 of the child. The parent may receive assistance from any person
346 or social service agency in preparing the case plan. The social
347 service agency, the department, and the court, when applicable,
348 shall inform the parent of the right to receive such assistance,

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349 including the right to assistance of counsel.

350 (c) Be written simply and clearly in English and, if
351 English is not the principal language of the child's parent, in
352 the parent's principal language, to the extent practicable.

353 (d) Describe a process for making available to all physical
354 custodians and family services counselors the information
355 required by s. 39.6012(2) and for ensuring that this information
356 follows the child until permanency has been achieved.

357 (e) Specify the period of time for which the case plan is
358 applicable, which must be as short a period as possible for the
359 parent to comply with the terms of the plan. The case plan's
360 compliance period expires no later than 12 months after the date
361 the child was initially removed from the home, the date the
362 child is adjudicated dependent, or the date the case plan is
363 accepted by the court, whichever occurs first.

364 (f) Be signed by all of the parties. Signing the case plan
365 constitutes an acknowledgment by each of the parties that they
366 have been involved in the development of the case plan and that
367 they are in agreement with the terms and conditions contained in
368 the case plan. The refusal of a parent to sign the case plan
369 does not preclude the court's acceptance of the case plan if it
370 is otherwise acceptable to the court. The parent's signing of
371 the case plan does not constitute an admission to any allegation
372 of abuse, abandonment, or neglect and does not constitute
373 consent to a finding of dependency or termination of parental
374 rights. The department shall explain the provisions of the case
375 plan to all persons involved in its implementation, before the
376 signing of the plan.

377 (3) PARTICIPATION BY THE CHILD.—It is important that the

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378 child be involved in all aspects of the case planning process,
379 including development of the plan, as well as the opportunity to
380 review, sign, and receive a copy of the case plan. The child may
381 not be included in any aspect of the case planning process when
382 information will be revealed or discussed that is of a nature
383 that would best be presented to the child in a more therapeutic
384 setting. The child, when the child has attained 14 years of age
385 or the child is otherwise at the appropriate age and capacity,
386 must:

387 (a) Be included in the face-to-face conference to develop
388 the plan under this section, have the opportunity to express a
389 placement preference, and have the option to choose two members
390 of the case planning team who are not a foster parent or
391 caseworker for the child.

392 (b) Sign the case plan, unless there is reason to waive the
393 child's signature.

394 (c) Receive an explanation of the provisions of the case
395 plan from the department.

396 (d) Be provided a copy of the case plan:

397 1. After the case plan has been agreed upon and signed; and
398 2. Within 3 business days before the disposition hearing
399 after jurisdiction attaches and the plan has been filed with the
400 court.

401 (4) NOTICE TO PARENTS.—The case plan must document that
402 each parent has been advised of the following by written notice:

403 (a) That he or she may not be coerced or threatened with
404 the loss of custody or parental rights for failing to admit the
405 abuse, neglect, or abandonment of the child in the case plan.

406 Participation in the development of a case plan is not an

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407 admission to any allegation of abuse, abandonment, or neglect
408 and does not constitute consent to a finding of dependency or
409 termination of parental rights.

410 (b) That the department must document a parent's
411 unwillingness or inability to participate in developing a case
412 plan and provide such documentation in writing to the parent
413 when it becomes available for the court record. In such event,
414 the department will prepare a case plan that, to the extent
415 possible, conforms with the requirements of this section. The
416 parent must also be advised that his or her unwillingness or
417 inability to participate in developing a case plan does not
418 preclude the filing of a petition for dependency or for
419 termination of parental rights. If the parent is available, the
420 department shall provide a copy of the case plan to the parent
421 and advise him or her that, at any time before the filing of a
422 petition for termination of parental rights, he or she may enter
423 into a case plan and that he or she may request judicial review
424 of any provision of the case plan with which he or she disagrees
425 at any court hearing set for the child.

426 (c) That his or her failure to substantially comply with
427 the case plan may result in the termination of parental rights,
428 and that a material breach of the case plan may result in the
429 filing of a petition for termination of parental rights before
430 the scheduled completion date.

431 (5) DISTRIBUTION AND FILING WITH THE COURT.—The department
432 shall adhere to the following procedural requirements in
433 developing and distributing a case plan:

434 (a) After the case plan has been agreed upon and signed by
435 the parties, a copy of the case plan must immediately be given

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436 to the parties and to other persons, as directed by the court.

437 (b) In each case in which a child has been placed in out-
438 of-home care, a case plan must be prepared within 60 days after
439 the department removes the child from the home and must be
440 submitted to the court for review and approval before the
441 disposition hearing.

442 (c) After jurisdiction attaches, all case plans must be
443 filed with the court, and a copy provided to all of the parties
444 whose whereabouts are known not less than 3 business days before
445 the disposition hearing. The department shall file with the
446 court and provide copies of such to all of the parties, all case
447 plans prepared before jurisdiction of the court attached.

448 (d) A case plan must be prepared, but need not be submitted
449 to the court, for a child who will be in care for 30 days or
450 less unless that child is placed in out-of-home care for a
451 second time within a 12-month period.

452 Section 7. Section 39.6012, Florida Statutes, is amended to
453 read:

454 (Substantial rewording of section. See
455 s. 39.6012, F.S., for present text.)

456 39.6012 Services and parental tasks under the case plan;
457 safety, permanency, and well-being of the child.—The case plan
458 must include a description of the identified problem that is
459 being addressed, including the parent's behavior or acts that
460 have resulted in a threat to the safety of the child and the
461 reason for the department's intervention. The case plan must be
462 designed to improve conditions in the child's home to facilitate
463 the child's safe return and ensure proper care of the child, or
464 to facilitate the child's permanent placement. The services

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465 offered must be as unobtrusive as possible in the lives of the
466 parent and the child, must focus on clearly defined objectives,
467 and must provide the most timely and efficient path to
468 reunification or permanent placement, given the circumstances of
469 the case and the child's need for safe and proper care.

470 (1) CASE PLAN SERVICES AND TASKS.—The case plan must be
471 based upon an assessment of the circumstances that required
472 intervention by the child welfare system. The case plan must
473 describe the role of the foster parents or legal custodians, and
474 must be developed in conjunction with the determination of the
475 services that are to be provided under the case plan to the
476 child, foster parents, or legal custodians. If a parent's
477 substantial compliance with the case plan requires the
478 department to provide services to the parent or the child and
479 the parent agrees to begin compliance with the case plan before
480 it is accepted by the court, the department shall make
481 appropriate referrals for services which will allow the parent
482 to immediately begin the agreed-upon tasks and services.

483 (a) Itemization in the case plan.—The case plan must
484 describe each of the tasks which the parent must complete and
485 the services that will be provided to the parent, in the context
486 of the identified problem, including:

487 1. The type of services or treatment which will be
488 provided.

489 2. If the service is being provided by the department or
490 its agent, the date the department will provide each service or
491 referral for service.

492 3. The date by which the parent must complete each task.

493 4. The frequency of services or treatment to be provided,

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494 which shall be determined by the professionals providing the
495 services and may be adjusted as needed based on the best
496 professional judgment of the provider.

497 5. The location of the delivery of the services.

498 6. Identification of the staff of the department or the
499 service provider who are responsible for the delivery of
500 services or treatment.

501 7. A description of measurable outcomes, including the
502 timeframes specified for achieving the objectives of the case
503 plan and addressing the identified problem.

504 (b) Meetings with case manager.—The case plan must include
505 a schedule of the minimum number of face-to-face meetings to be
506 held each month between the parent and the case manager to
507 review the progress of the case plan, eliminate barriers to
508 completion of the plan, and resolve conflicts or disagreements.

509 (c) Request for notification from relative.—The case
510 manager shall advise the attorney for the department of a
511 relative's request to receive notification of proceedings and
512 hearings submitted pursuant to s. 39.301(14)(b).

513 (d) Financial support.—The case plan must specify the
514 parent's responsibility for the financial support of the child,
515 including, but not limited to, health insurance and child
516 support. The case plan must list the costs associated with any
517 services or treatment that the parent and child are expected to
518 receive which are the financial responsibility of the parent.
519 The determination of child support and other financial support
520 must be made independently of any determination of dependency
521 under s. 39.013.

522 (2) SAFETY, PERMANENCY, AND WELL-BEING OF THE CHILD.—The

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523 case plan must include all available information that is
524 relevant to the child's care, including a detailed description
525 of the identified needs of the child while in care and a
526 description of the plan for ensuring that the child receives
527 safe and proper care that is appropriate to his or her needs.
528 Participation by the child must meet the requirements under s.
529 39.6011.

530 (a) Placement.—To comply with federal law, the department
531 must ensure that the placement of a child in foster care be in
532 the least restrictive, most family-like environment; must review
533 the family assessment, safety plan, and case plan for the child
534 to assess the necessity for and the appropriateness of the
535 placement; must assess the progress that has been made toward
536 case plan outcomes; and must project a likely date by which the
537 child can be safely reunified or placed for adoption or legal
538 guardianship. The family assessment must indicate the type of
539 placement to which the child has been assigned and must document
540 the following:

541 1. That the child has undergone the placement assessments
542 required pursuant to s. 409.143.

543 2. That the child has been placed in the least restrictive
544 and most family-like setting available consistent with the best
545 interest and special needs of the child, and in as close
546 proximity as possible to the child's home.

547 3. If the child is placed in a setting that is more
548 restrictive than recommended by the placement assessments or is
549 placed more than 50 miles from the child's home, the reasons why
550 the placement is necessary and in the best interest of the child
551 and the steps required to place the child in the placement

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552 recommended by the assessment.

553 4. If residential group care is recommended for the child,
554 the needs of the child which necessitate such placement, the
555 plan for transitioning the child to a family setting, and the
556 projected timeline for the child's transition to a less
557 restrictive environment. If the child is placed in residential
558 group care, his or her case plan shall be reviewed and updated
559 within 90 days after the child's admission to the residential
560 group care facility and at least every 60 days thereafter.

561 (b) Permanency.—If reunifying a child with his or her
562 family is not possible, the department shall make every effort
563 to provide other forms of permanency, such as adoption or
564 guardianship. If a child is placed in an out-of-home placement,
565 the case plan, in addition to any other requirements imposed by
566 law or department rule, must include:

567 1. If concurrent planning is being used, a description of
568 the permanency goal of reunification with the parent or legal
569 custodian and a description of one of the remaining permanency
570 goals defined in s. 39.01; or, if concurrent case planning is
571 not being used, an explanation as to why it is not being used.

572 2. If the case plan has as its goal the adoption of the
573 child or his or her placement in another permanent home, a
574 statement of the child's wishes regarding his or her permanent
575 placement plan and an assessment of those stated wishes. The
576 case plan must also include documentation of the steps the
577 agency is taking to find an adoptive family or other permanent
578 living arrangements for the child; to place the child with an
579 adoptive family, an appropriate and willing relative, or a legal
580 guardian; and to finalize the adoption or legal guardianship. At

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581 a minimum, the documentation must include child-specific
582 recruitment efforts, such as the use of state, regional, and
583 national adoption exchanges, including electronic exchange
584 systems, after he or she has become legally eligible for
585 adoption.

586 3. If the child has been in out-of-home care for at least
587 12 months and the permanency goal is not adoptive placement, the
588 documentation of the compelling reason for a finding that
589 termination of parental rights is not in the child's best
590 interest.

591 (c) Education.—A case plan must ensure the educational
592 stability of the child while in foster care. To the extent
593 available and accessible, the names and addresses of the child's
594 educational providers, a record of his or her grade level
595 performance, and his or her school record must be attached to
596 the case plan and updated throughout the judicial review
597 process. The case plan must also include documentation that the
598 placement:

599 1. Takes into account the appropriateness of the current
600 educational setting and the proximity to the school in which the
601 child is enrolled at the time of placement.

602 2. Has been coordinated with appropriate local educational
603 agencies to ensure that the child remains in the school in which
604 the child is enrolled at the time of placement, or, if remaining
605 in that school is not in the best interest of the child,
606 assurances by the department and the local education agency to
607 provide immediate and appropriate enrollment in a new school and
608 to provide all of the child's educational records to the new
609 school.

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610 (d) Health care.—To the extent that they are available and
611 accessible, the names and addresses of the child's health and
612 behavioral health providers, a record of the child's
613 immunizations, the child's known medical history, including any
614 known health issues, the child's medications, and any other
615 relevant health and behavioral health information must be
616 attached to the case plan and updated throughout the judicial
617 review process.

618 (e) Contact with family, extended family, and fictive kin.—
619 When out-of-home placement is made, the case plan must include
620 provisions for the development and maintenance of sibling
621 relationships and visitation, if the child has siblings and is
622 separated from them, a description of the parent's visitation
623 rights and obligations, and a description of any visitation
624 rights with extended family members as defined in s. 751.011. As
625 used in this paragraph, the term "fictive kin" means individuals
626 who are unrelated to the child by either birth or marriage, but
627 who have an emotionally significant relationship with the child
628 that would take on the characteristics of a family relationship.
629 As soon as possible after a court order is entered, the
630 following must be provided to the child's out-of-home caregiver:

631 1. Information regarding any court-ordered visitation
632 between the child and the parents, and the terms and conditions
633 necessary to facilitate such visits and protect the safety of
634 the child.

635 2. Information regarding the schedule and frequency of the
636 visits between the child and his or her siblings, as well as any
637 court-ordered terms and conditions necessary to facilitate the
638 visits and protect the safety of the child.

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639 3. Information regarding the schedule and frequency of the
640 visits between the child and any extended family member or
641 fictive kin, as well as any court-ordered terms and conditions
642 necessary to facilitate the visits and protect the safety of the
643 child.

644 (f) Independent living.—

645 1. When appropriate, the case plan for a child who is 13
646 years of age or older, must include a written description of the
647 life skills services to be provided by the caregiver which will
648 assist the child, consistent with his or her best interests, in
649 preparing for the transition from foster care to independent
650 living. The case plan must be developed with the child and
651 individuals identified as important to the child, and must
652 include the steps the agency is taking to ensure that the child
653 has a connection with a caring adult.

654 2. During the 180-day period after a child reaches 17 years
655 of age, the department and the community-based care provider, in
656 collaboration with the caregiver and any other individual whom
657 the child would like to include, shall assist the child in
658 developing a transition plan pursuant to s. 39.6035, which is in
659 addition to standard case management requirements. The
660 transition plan must address specific options that the child may
661 use in obtaining services, including housing, health insurance,
662 education, and workforce support and employment services. The
663 transition plan must also consider establishing and maintaining
664 naturally occurring mentoring relationships and other personal
665 support services. The transition plan may be as detailed as the
666 child chooses and must be attached to the case plan and updated
667 before each judicial review.

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668 Section 8. Subsection (4) of section 39.6035, Florida
669 Statutes, is amended to read:

670 39.6035 Transition plan.—

671 ~~(4) If a child is planning to leave care upon reaching 18~~
672 ~~years of age,~~ The transition plan must be approved by the court
673 before the child's 18th birthday ~~child leaves care and the court~~
674 ~~terminates jurisdiction.~~

675 Section 9. Subsection (2) of section 39.621, Florida
676 Statutes, is amended, present subsections (3) through (11) of
677 that section are redesignated as subsections (4) through (12),
678 respectively, and a new subsection (3) is added to that section,
679 to read:

680 39.621 Permanency determination by the court.—

681 (2) Except as provided in subsection (3), the permanency
682 goals available under this chapter, listed in order of
683 preference, are:

684 (a) Reunification;

685 (b) Adoption, if a petition for termination of parental
686 rights has been or will be filed;

687 (c) Permanent guardianship of a dependent child under s.
688 39.6221; or

689 ~~(d) Permanent placement with a fit and willing relative~~
690 ~~under s. 39.6231; or~~

691 (d)(e) Placement in another planned permanent living
692 arrangement under s. 39.6241.

693 (3) The permanency goal of maintaining and strengthening
694 the placement with a parent may be used in the following
695 circumstances:

696 (a) If a child has not been removed from a parent but is

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697 found to be dependent, even if adjudication of dependency is
698 withheld, the court may leave the child in the current placement
699 with maintaining and strengthening the placement as a permanency
700 option.

701 (b) If a child has been removed from a parent and is placed
702 with the parent from whom the child was not removed, the court
703 may leave the child in the placement with the parent from whom
704 the child was not removed with maintaining and strengthening the
705 placement as a permanency option.

706 (c) If a child has been removed from a parent and is
707 subsequently reunified with that parent, the court may leave the
708 child with that parent with maintaining and strengthening the
709 placement as a permanency option.

710 Section 10. Paragraphs (a) and (d) of subsection (2) of
711 section 39.701, Florida Statutes, are amended to read:

712 39.701 Judicial review.—

713 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
714 AGE.—

715 (a) *Social study report for judicial review.*—Before every
716 judicial review hearing or citizen review panel hearing, the
717 social service agency shall make an investigation and social
718 study concerning all pertinent details relating to the child and
719 shall furnish to the court or citizen review panel a written
720 report that includes, but is not limited to:

721 1. A description of the type of placement the child is in
722 at the time of the hearing, including the safety of the child,
723 ~~and the continuing necessity for and appropriateness of the~~
724 placement, and that the placement is in the least restrictive
725 and most family-like setting that meets the needs of the child

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726 as determined by the assessment completed pursuant to s.
727 409.143.

728 2. Documentation of the diligent efforts made by all
729 parties to the case plan to comply with each applicable
730 provision of the case plan.

731 3. The amount of fees assessed and collected during the
732 period of time being reported.

733 4. The services provided to the foster family or legal
734 custodian in an effort to address the needs of the child as
735 indicated in the case plan.

736 5. A statement that either:

737 a. The parent, though able to do so, did not comply
738 substantially with the case plan, and the agency
739 recommendations;

740 b. The parent did substantially comply with the case plan;
741 or

742 c. The parent has partially complied with the case plan,
743 with a summary of additional progress needed and the agency
744 recommendations.

745 6. A statement from the foster parent or legal custodian
746 providing any material evidence concerning the return of the
747 child to the parent or parents.

748 7. A statement concerning the frequency, duration, and
749 results of the parent-child visitation, if any, and the agency
750 recommendations for an expansion or restriction of future
751 visitation.

752 8. The number of times a child has been removed from his or
753 her home and placed elsewhere, the number and types of
754 placements that have occurred, and the reason for the changes in

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755 placement.

756 9. The number of times a child's educational placement has
757 been changed, the number and types of educational placements
758 which have occurred, and the reason for any change in placement.

759 10. If the child has reached 13 years of age but is not yet
760 18 years of age, a statement from the caregiver on the progress
761 the child has made in acquiring independent living skills.

762 11. Copies of all medical, psychological, and educational
763 records that support the terms of the case plan and that have
764 been produced concerning the parents or any caregiver since the
765 last judicial review hearing.

766 12. Copies of the child's current health, mental health,
767 and education records as identified in s. 39.6012.

768 (d) *Orders.*—

769 1. Based upon the criteria ~~set forth~~ in paragraph (c) and
770 the recommended order of the citizen review panel, if any, the
771 court shall determine whether ~~or not~~ the social service agency
772 shall initiate proceedings to have a child declared a dependent
773 child, return the child to the parent, continue the child in
774 out-of-home care for a specified period of time, or initiate
775 termination of parental rights proceedings for subsequent
776 placement in an adoptive home. Amendments to the case plan must
777 be prepared as prescribed in s. 39.6013. If the court finds that
778 ~~the prevention or reunification efforts of the department will~~
779 allow the child can safely to remain in the safely at home with
780 an in-home safety plan ~~or be safely returned to the home~~, the
781 court shall allow the child to remain in ~~or return to~~ the home
782 ~~after making a specific finding of fact that the reasons for the~~
783 ~~creation of the case plan have been remedied to the extent that~~

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784 ~~the child's safety, well-being, and physical, mental, and~~
785 ~~emotional health will not be endangered.~~

786 2. The court shall return the child to the custody of the
787 parents with an in-home safety plan at any time it determines
788 that they have met conditions for return ~~substantially complied~~
789 ~~with the case plan, and~~ if the court is satisfied that return of
790 the child to the home ~~reunification~~ will not be detrimental to
791 the child's safety, well-being, and physical, mental, and
792 emotional health.

793 3. If, in the opinion of the court, the social service
794 agency has not complied with its obligations as specified in the
795 written case plan, the court may find the social service agency
796 in contempt, shall order the social service agency to submit its
797 plans for compliance with the agreement, and shall require the
798 social service agency to show why the child could not safely be
799 returned to the home of the parents.

800 4. If possible, the court shall order the department to
801 file a written notification before a child changes placements or
802 living arrangements. If such notification is not possible before
803 the change, the department must file a notification immediately
804 after a change. A written notification filed with the court must
805 include assurances from the department that the provisions of s.
806 409.145 and administrative rule relating to placement changes
807 have been met.

808 ~~5.4.~~ If, at any judicial review, the court finds that the
809 parents have failed to substantially comply with the case plan
810 to the degree that further reunification efforts are without
811 merit and not in the best interest of the child, on its own
812 motion, the court may order the filing of a petition for

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813 termination of parental rights, whether or not the time period
814 as contained in the case plan for substantial compliance has
815 expired.

816 ~~6.5.~~ Within 6 months after the date that the child was
817 placed in shelter care, the court shall conduct a judicial
818 review hearing to review the child's permanency goal as
819 identified in the case plan. At the hearing the court shall make
820 findings regarding the likelihood of the child's reunification
821 with the parent or legal custodian within 12 months after the
822 removal of the child from the home. If the court makes a written
823 finding that it is not likely that the child will be reunified
824 with the parent or legal custodian within 12 months after the
825 child was removed from the home, the department must file with
826 the court, and serve on all parties, a motion to amend the case
827 plan under s. 39.6013 and declare that it will use concurrent
828 planning for the case plan. The department must file the motion
829 within 10 business days after receiving the written finding of
830 the court. The department must attach the proposed amended case
831 plan to the motion. If concurrent planning is already being
832 used, the case plan must document the efforts the department is
833 taking to complete the concurrent goal.

834 ~~7.6.~~ The court may issue a protective order in assistance,
835 or as a condition, of any other order made under this part. In
836 addition to the requirements included in the case plan, the
837 protective order may set forth requirements relating to
838 reasonable conditions of behavior to be observed for a specified
839 period of time by a person or agency who is before the court;
840 and the order may require any person or agency to make periodic
841 reports to the court containing such information as the court in

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842 its discretion may prescribe.

843 Section 11. Section 409.142, Florida Statutes, is created
844 to read:

845 409.142 Intervention services for unsafe children.—

846 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
847 that intervention services and supports are designed to
848 strengthen and support families in order to keep them safely
849 together and to prevent children from entering foster care.
850 Therefore, it is the intent of the Legislature for the
851 department to identify evidence-based intervention programs that
852 remedy child abuse and neglect, reduce the likelihood of foster
853 care placement by supporting parents and relative or nonrelative
854 caregivers, increase family reunification with parents or other
855 relatives, and promote placement stability for children living
856 with relatives or nonrelative caregivers.

857 (2) DEFINITION.—As used in this section the term
858 “Intervention services and supports” means assistance provided
859 to a child or to the parents or relative and nonrelative
860 caregivers of a child determined by a child protection
861 investigation to be in present or impending danger.

862 (3) SERVICES AND SUPPORTS.—Intervention services and
863 supports that shall be made available to eligible individuals
864 include, but are not limited to:

865 (a) Safety management services provided to unsafe children
866 which immediately and actively protect the child from dangerous
867 threats if the parent or other caregiver cannot, as part of a
868 safety plan.

869 (b) Parenting skills training, including parent advocates,
870 peer-to-peer mentoring, and support groups for parents and

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871 relative caregivers.

872 (c) Individual, group, and family counseling, mentoring,
873 and therapy.

874 (d) Behavioral health care needs, domestic violence, and
875 substance abuse services.

876 (e) Crisis assistance or services to stabilize families in
877 times of crisis or to facilitate relative placement, such as
878 transportation, clothing, household goods, assistance with
879 housing and utility payments, child care, respite care, and
880 assistance connecting families with other community-based
881 services.

882 (4) ELIGIBILITY FOR SERVICES.—The following individuals are
883 eligible for services and supports under this section:

884 (a) A child who is unsafe but can remain safely at home or
885 in a relative or nonrelative placement with receipt of specified
886 services and supports.

887 (b) A parent or relative caregiver of an unsafe child.

888 (5) GENERAL REQUIREMENTS.—The community-based care lead
889 agency shall prepare a case plan for each child and his or her
890 family receiving services and support under this section which
891 includes:

892 (a) The safety services and supports necessary to prevent
893 the child's entry into foster care.

894 (b) The services and supports that will enable the child to
895 return home with an in-home safety plan.

896 (6) ASSESSMENT AND REPORTING.—

897 (a) By October 1, 2016, each community-based care lead
898 agency shall submit a monitoring plan to the department
899 describing how the lead agency will monitor and oversee the

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900 safety of children who receive intervention services and
901 supports. The monitoring plan shall include a description of
902 training and support for caseworkers handling intervention
903 cases, including how caseload size and type will be determined,
904 managed, and overseen.

905 (b) Beginning October 1, 2016, each community-based care
906 lead agency shall collect and report annually to the department,
907 as part of the child welfare Results Oriented Accountability
908 Program required under s. 409.997, the following with respect to
909 each child for whom, or on whose behalf, intervention services
910 and supports are provided during a 12-month period:

911 1. The number of children and families served;

912 2. The specific services provided and the total
913 expenditures for each such service;

914 3. The child's placement status at the beginning and at the
915 end of the period; and

916 4. The child's placement status 1 year after the end of the
917 period.

918 (c) Outcomes for this subsection shall be included in the
919 annual report required under s. 409.997.

920 (7) RULEMAKING.—The department shall adopt rules to
921 administer this section.

922 Section 12. Section 409.143, Florida Statutes, is created
923 to read:

924 409.143 Assessment and determination of appropriate
925 placement.—

926 (1) LEGISLATIVE FINDINGS AND INTENT.—

927 (a) The Legislature finds that it is a basic tenet of child
928 welfare practice and the law that children be placed in the

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929 least restrictive, most family-like setting available in close
930 proximity to the home of their parents, consistent with the best
931 interests and needs of the child, and that children be placed in
932 permanent homes in a timely manner.

933 (b) The Legislature also finds that behavior problems can
934 create difficulties in a child's placement and ultimately lead
935 to multiple placements, which have been linked to negative
936 outcomes for children.

937 (c) The Legislature further finds that given the harm
938 associated with multiple placements, the ideal is connecting
939 children to the most appropriate setting at the time they come
940 into care.

941 (d) Therefore, it is the intent of the Legislature that
942 through the use of a standardized assessment process and the
943 availability of an adequate array of appropriate placement
944 options, that the first placement be the best placement for
945 every child entering care.

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

947 (a) "Child functioning level" means specific categories of
948 child behaviors and needs.

949 (b) "Comprehensive behavioral health assessment" means an
950 in-depth and detailed assessment of the child's emotional,
951 social, behavioral, and developmental functioning within the
952 family home, school, and community that must include direct
953 observation of the child in the home, school, and community, as
954 well as in the clinical setting.

955 (c) "Level of care" means a tiered approach to the types of
956 placement used and the acuity and intensity of intervention
957 services provided to meet the severity of a dependent child's

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958 specific physical, emotional, psychological, and social needs.

959 (3) INITIAL PLACEMENT ASSESSMENT.—

960 (a) Each child that has been determined by the department,
961 a sheriff's office conducting protective investigations, or a
962 community-based care provider to require an out-of-home
963 placement must be assessed prior to placement selection to
964 determine the best placement option to meet the child's
965 immediate and ongoing intervention and services and supports
966 needs. The department shall develop and adopt by rule a
967 preplacement assessment tool, which must include an analysis
968 based on information available to the department at the time of
969 the assessment, of the child's age, maturity level, known
970 behavioral health diagnosis, behaviors, prior placement
971 arrangements, physical and medical needs, and educational
972 commitments.

973 (b) If it is determined during the preplacement evaluation
974 that a child may be suitable for residential treatment as
975 defined in s. 39.407, the procedures in that section must be
976 followed.

977 (c) A decision to place a child in group care with a
978 residential child care agency may not be made by any individual
979 or entity who has an actual or perceived conflict of interest
980 with any agency being considered for placement.

981 (d) The department shall document initial placement
982 assessments in the Florida Safe Families Network.

983 (4) COMPREHENSIVE ASSESSMENT.—

984 (a) Each child placed in out-of-home care shall be referred
985 by the department for a comprehensive behavioral health
986 assessment. The comprehensive assessment is intended to support

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987 the family assessment, which will guide the case plan outcomes,
988 treatment, and well-being service provisions for a child in out-
989 of-home care, in addition to providing information to help
990 determine if the child's initial placement was the most
991 appropriate out-of-home care setting for the child.

992 (b) The referral for the comprehensive behavioral health
993 assessment shall be made within 7 calendars days of the child
994 entering out-of-home care.

995 (c) The comprehensive assessment will measure the strengths
996 and needs of the child and the services and supports that are
997 necessary to maintain the child in the least restrictive out-of-
998 home care setting. In developing the assessment, consideration
999 must be given to:

1000 1. Current and historical information from any
1001 psychological testing or evaluation of the child;

1002 2. Current behaviors exhibited by the child which interfere
1003 with or limit the child's role or ability to function in a less
1004 restrictive, family-like setting;

1005 3. Current and historical information from the guardian ad
1006 litem, if one has been appointed;

1007 4. Current and historical information from any current
1008 therapist, teacher, or other professional who has knowledge of
1009 the child or has worked with the child;

1010 5. Information related to the placement of any siblings of
1011 the child; and

1012 6. If the child has been moved more than once, the
1013 circumstances necessitating the moves and the recommendations of
1014 the former foster families or other caregivers, if available.

1015 (d) Completion of the comprehensive assessment must occur

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1016 within 30 calendar days after the child entering out-of-home
1017 care.

1018 (e) The department shall use the results of the
1019 comprehensive assessment and any additional information gathered
1020 to determine the child's functioning level and the level of care
1021 needed for continued placement.

1022 (f) Upon receipt of a child's completed comprehensive
1023 assessment, the child's case manager shall review the
1024 assessment, and document whether a less restrictive, more
1025 family-like setting for the child is recommended and available.
1026 The department shall document determinations resulting from the
1027 comprehensive assessment in the Florida Safe Families Network
1028 and update the case plan to include identified needs of the
1029 child, specified services and supports to be provided by the
1030 out-of-home care placement setting to meet the needs of the
1031 child, and diligent efforts to transition the child to a less
1032 restrictive, family-like setting.

1033 (5) PERMANENCY TEAMS.—The department or community-based
1034 care lead agency that places children pursuant to this section
1035 shall establish special permanency teams dedicated to overcoming
1036 the permanency challenges occurring for children in out-of-home
1037 care. The special permanency team shall convene a
1038 multidisciplinary staffing every 180 calendar days, to coincide
1039 with the judicial review, to reassess the appropriateness of the
1040 child's current placement. At a minimum, the staffing shall be
1041 attended by the community-based care lead agency, the caseworker
1042 for the child, out-of-home care provider, guardian ad litem, and
1043 any other agency or provider of services to the child. The
1044 multidisciplinary staffing shall consider, at a minimum, the

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1045 current level of the child's functioning, whether recommended
1046 services are being provided effectively, any services that would
1047 enable transition to a less restrictive family-like setting, and
1048 diligent search efforts to find other permanent living
1049 arrangements for the child.

1050 (6) ANNUAL REPORT.—By October 1 of each year, the
1051 department shall report to the Governor, the President of the
1052 Senate, and the Speaker of the House of Representatives on the
1053 placement of children in licensed out-of-home care, including
1054 family foster homes and residential group care, during the year.
1055 At a minimum, the report should include the number of children
1056 placed in family foster homes and residential group care, the
1057 number of children placed more than 50 miles from their parents,
1058 the number of children who had to change schools as a result of
1059 a placement decision; use of this form of placement on a local,
1060 regional, and statewide level; and the available services array
1061 to serve children in the least restrictive settings.

1062 Section 13. Section 409.144, Florida Statutes, is created
1063 to read:

1064 409.144 Continuum of care for children.—

1065 (1) LEGISLATIVE FINDINGS AND INTENT.—

1066 (a) The Legislature finds that permanency, well-being, and
1067 safety are critical goals for all children, especially for those
1068 in care, and that children in foster care or at risk of entering
1069 foster care are best supported through a continuum of care that
1070 provides appropriate ongoing services, supports and place to
1071 live from entry to exit.

1072 (b) The Legislature also finds that federal law requires
1073 that out-of-home placements for children are to be in the least

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1074 restrictive, most family-like setting available that is in close
1075 proximity to the home of their parents and consistent with the
1076 best interests and needs of the child, and that children be
1077 transitioned from out-of-home care to a permanent home in a
1078 timely manner.

1079 (c) The Legislature further finds that permanency can be
1080 achieved through preservation of the family, reunification with
1081 the birth family, or through legal guardianship or adoption by
1082 relatives or other caring and committed adults. Planning for
1083 permanency should begin at entry into care and should be child-
1084 driven, family-focused, culturally appropriate, continuous, and
1085 approached with the highest degree of urgency.

1086 (d) It is, therefore, the intent of the Legislature that
1087 the department and the larger child welfare community establish
1088 and maintain a continuum of care that affords every child the
1089 opportunity to benefit from the most appropriate and least
1090 restrictive interventions, both in or out of the home, while
1091 ensuring that well-being and safety are addressed.

1092 (2) DEFINITIONS.—As used in this section, the term:

1093 (a) "Continuum of care" means the complete range of
1094 programs and services for children served by, or at risk of
1095 being served by, the dependency system.

1096 (b) "Family foster care" means a family foster home as
1097 defined in s. 409.175.

1098 (c) "Level of care" means a tiered approach to the type of
1099 placements used and the acuity and intensity of intervention
1100 services provided to meet the severity of a dependent child's
1101 specific physical, emotional, psychological, and social needs.

1102 (d) "Out-of-home care" means the placement of a child in

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1103 licensed and nonlicensed settings, arranged and supervised by
1104 the department or contracted service provider, outside the home
1105 of the parent.

1106 (e) "Residential group care" means a 24-hour, live-in
1107 environment that provides supervision, care, and services to
1108 meet the physical, emotional, social, and life skills needs of
1109 children served by the dependency system. Services may be
1110 provided by residential group care staff who are qualified to
1111 perform the needed service or a community-based service provider
1112 with clinical expertise, credentials, and training to provide
1113 services to the children being served.

1114 (3) DEVELOPMENT OF CONTINUUM.—The department, in
1115 collaboration with the Florida Institute for Child Welfare, the
1116 Quality Parenting Initiative, and the Florida Coalition for
1117 Children, Inc., shall develop a continuum of care for the
1118 placement of children in care, including, but not limited to,
1119 both family foster care and residential group care. To implement
1120 the continuum of care, the department shall by December 31,
1121 2017:

1122 (a) Establish levels of care in the continuum which are
1123 clearly and concisely defined with the qualifying criteria for
1124 placement for each level identified.

1125 (b) Revise licensure standards and rules to reflect the
1126 supports and services provided by a placement at each level of
1127 care and the complexity of the needs of the children served.
1128 This must include attention to the need for a particular
1129 category of provider in a community before licensure can be
1130 considered; quality standards of operation that must be met by
1131 all licensed providers; numbers and qualifications of staff

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1132 which are adequate to effectively serve children with the issues
1133 the facility seeks to serve; and a well-defined process tied to
1134 specific criteria which leads to licensure suspension or
1135 revocation.

1136 (c) Develop policies and procedures necessary to ensure
1137 that placement in any level of care is appropriate for each
1138 specific child, is determined by the required assessments and
1139 staffing, and lasts only as long as necessary to resolve the
1140 issue that required the placement.

1141 (d) Develop a plan to recruit, train, and retain
1142 specialized family foster homes for pregnant and parenting
1143 children and young adults. These family foster homes must be
1144 designed to provide an out-of-home placement option for young
1145 parents and their children to enable them to live in the same
1146 family foster home while caring for their children and working
1147 toward independent care of the child.

1148 (e) Develop, in collaboration with the Department of
1149 Juvenile Justice, a plan to develop specialized out-of-home
1150 placements for children who are involved in both the dependency
1151 and the juvenile justice systems.

1152 (4) REPORTING REQUIREMENT.—The department shall submit a
1153 report to the Governor, the President of the Senate, and the
1154 Speaker of the House of Representatives by October 1 of each
1155 year, with the first report due October 1, 2016. At a minimum,
1156 the report must include the following:

1157 (a) An update on the development of the continuum of care
1158 required by this section.

1159 (b) An inventory of existing placements for children by
1160 type and by community-based care lead agency.

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1161 (c) An inventory of existing services available by
 1162 community-based care lead agency and a plan for filling any
 1163 identified gap, as well as a determination of what services are
 1164 available that can be provided to children in family foster care
 1165 without having to move the child to a more restrictive
 1166 placement.

1167 (d) The strategies being used by community-based care lead
 1168 agencies to recruit, train, and support an adequate number of
 1169 families to provide home-based family care.

1170 (e) For every placement of a child made that is contrary to
 1171 an appropriate placement as determined by the assessment process
 1172 in s. 409.142, an explanation from the community-based care lead
 1173 agency as to why the placement was made.

1174 (f) The strategies being used by the community-based care
 1175 lead agencies to reduce the high percentage of turnover in
 1176 caseworkers.

1177 (g) A plan for oversight by the department over the
 1178 implementation of the continuum by the community-based care lead
 1179 agencies.

1180 (5) RULEMAKING.—The department shall adopt rules to
 1181 implement this section.

1182 Section 14. Subsection (3) of section 409.1451, Florida
 1183 Statutes, is amended, and subsection (11) is added to that
 1184 section, to read:

1185 409.1451 The Road-to-Independence Program.—

1186 (3) AFTERCARE SERVICES.—

1187 (a) Aftercare services are available to a young adult who
 1188 was living in licensed care on his or her 18th birthday, who ~~has~~
 1189 ~~reached 18 years of age but~~ is not yet 23 years of age, and is:

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- 1190 1. Not in foster care.
- 1191 2. Temporarily not receiving financial assistance under
1192 subsection (2) to pursue postsecondary education.
- 1193 (11) EDUCATION AND TRAINING VOUCHERS.—The department shall
1194 make available education and training vouchers.
- 1195 (a) A child or young adult is eligible for services and
1196 support under this subsection if he or she is ineligible for
1197 services under subsection (2) and:
- 1198 1. Was living in licensed care on his or her 18th birthday,
1199 is currently living in licensed care, or is at least 16 years of
1200 age and has been adopted from foster care or placed with a
1201 court-approved dependency guardian.
- 1202 2. Has earned a standard high school diploma pursuant to s.
1203 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent
1204 as provided in s. 1003.435.
- 1205 3. Has been admitted for enrollment as a student in a
1206 postsecondary educational institution.
- 1207 4. Has made the initial application to participate before
1208 age 21 and is not yet 23 years of age.
- 1209 5. Has applied, with assistance from his or her caregiver
1210 and the community-based lead agency, for any other grants and
1211 scholarships for which he or she is qualified.
- 1212 6. Has submitted a Free Application for Federal Student Aid
1213 which is complete and error free.
- 1214 7. Has signed an agreement to allow the department and the
1215 community-based care lead agency access to school records.
- 1216 8. Has maintained satisfactory academic progress as
1217 determined by the postsecondary institution.
- 1218 (b) The voucher provided for an individual under this

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1219 subsection may not exceed the lesser of \$5,000 per year or the
1220 total cost of attendance as defined in 42 U.S.C. s. 672.

1221 (c) The department may adopt rules concerning the payment
1222 of financial assistance that considers the applicant's requests
1223 concerning disbursement. The rules must include an appeals
1224 process.

1225 Section 15. Subsection (3) of section 409.988, Florida
1226 Statutes, is amended to read:

1227 409.988 Lead agency duties; general provisions.—

1228 (3) SERVICES.—

1229 (a) A lead agency must provide dependent children with
1230 services that are supported by research or that are recognized
1231 as best practices in the child welfare field. The agency shall
1232 give priority to the use of services that are evidence-based and
1233 trauma-informed and may also provide other innovative services,
1234 including, but not limited to, family-centered and cognitive-
1235 behavioral interventions designed to mitigate out-of-home
1236 placements.

1237 (b) Lead agencies shall ensure the availability of a full
1238 array of services to address the complex needs of all children,
1239 including teens, and caregivers served within their local system
1240 of care and that sufficient flexibility exists within the
1241 service array to adequately match services to the unique
1242 characteristics of families served, including the ages of the
1243 children, cultural considerations, and parental choice.

1244 (c) The department shall annually complete an evaluation of
1245 the service array adequacies, the engagement of trauma-informed
1246 and evidenced-based programming, and the impact of available
1247 services on outcomes for the children served by the lead

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1248 agencies and any subcontracted providers of lead agencies. The
 1249 evaluation report shall be submitted to the Governor, the
 1250 President of the Senate, and the Speaker of the House of
 1251 Representatives by December 31 of each year.

1252 (d) The department shall adopt rules to implement this
 1253 section.

1254 Section 16. Paragraph (s) of subsection (2) of section
 1255 39.202, Florida Statutes, is amended to read:

1256 39.202 Confidentiality of reports and records in cases of
 1257 child abuse or neglect.—

1258 (2) Except as provided in subsection (4), access to such
 1259 records, excluding the name of the reporter which shall be
 1260 released only as provided in subsection (5), shall be granted
 1261 only to the following persons, officials, and agencies:

1262 (s) Persons with whom the department is seeking to place
 1263 the child or to whom placement has been granted, including
 1264 foster parents for whom an approved home study has been
 1265 conducted, the designee of a licensed residential child-caring
 1266 agency defined ~~group home described in s. 409.175 s. 39.523~~, an
 1267 approved relative or nonrelative with whom a child is placed
 1268 pursuant to s. 39.402, preadoptive parents for whom a favorable
 1269 preliminary adoptive home study has been conducted, adoptive
 1270 parents, or an adoption entity acting on behalf of preadoptive
 1271 or adoptive parents.

1272 Section 17. Subsection (1) of section 39.302, Florida
 1273 Statutes, is amended to read:

1274 39.302 Protective investigations of institutional child
 1275 abuse, abandonment, or neglect.—

1276 (1) The department shall conduct a child protective

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1277 investigation of each report of institutional child abuse,
1278 abandonment, or neglect. Upon receipt of a report that alleges
1279 that an employee or agent of the department, or any other entity
1280 or person covered by s. 39.01(33) or (48) ~~s. 39.01(32) or (47)~~,
1281 acting in an official capacity, has committed an act of child
1282 abuse, abandonment, or neglect, the department shall initiate a
1283 child protective investigation within the timeframe established
1284 under s. 39.201(5) and notify the appropriate state attorney,
1285 law enforcement agency, and licensing agency, which shall
1286 immediately conduct a joint investigation, unless independent
1287 investigations are more feasible. When conducting investigations
1288 or having face-to-face interviews with the child, investigation
1289 visits shall be unannounced unless it is determined by the
1290 department or its agent that unannounced visits threaten the
1291 safety of the child. If a facility is exempt from licensing, the
1292 department shall inform the owner or operator of the facility of
1293 the report. Each agency conducting a joint investigation is
1294 entitled to full access to the information gathered by the
1295 department in the course of the investigation. A protective
1296 investigation must include an interview with the child's parent
1297 or legal guardian. The department shall make a full written
1298 report to the state attorney within 3 working days after making
1299 the oral report. A criminal investigation shall be coordinated,
1300 whenever possible, with the child protective investigation of
1301 the department. Any interested person who has information
1302 regarding the offenses described in this subsection may forward
1303 a statement to the state attorney as to whether prosecution is
1304 warranted and appropriate. Within 15 days after the completion
1305 of the investigation, the state attorney shall report the

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1306 findings to the department and shall include in the report a
1307 determination of whether or not prosecution is justified and
1308 appropriate in view of the circumstances of the specific case.

1309 Section 18. Subsection (1) of section 39.524, Florida
1310 Statutes, is amended to read:

1311 39.524 Safe-harbor placement.—

1312 (1) Except as provided in s. 39.407 or s. 985.801, a
1313 dependent child 6 years of age or older who has been found to be
1314 a victim of sexual exploitation as defined in s. 39.01(70)(g) ~~s.~~
1315 ~~39.01(69)(g)~~ must be assessed for placement in a safe house or
1316 safe foster home as provided in s. 409.1678 using the initial
1317 screening and assessment instruments provided in s. 409.1754(1).
1318 If such placement is determined to be appropriate for the child
1319 as a result of this assessment, the child may be placed in a
1320 safe house or safe foster home, if one is available. However,
1321 the child may be placed in another setting, if the other setting
1322 is more appropriate to the child's needs or if a safe house or
1323 safe foster home is unavailable, as long as the child's
1324 behaviors are managed so as not to endanger other children
1325 served in that setting.

1326 Section 19. Subsection (7) of section 39.6013, Florida
1327 Statutes, is amended to read:

1328 39.6013 Case plan amendments.—

1329 (7) Amendments must include service interventions that are
1330 the least intrusive into the life of the parent and child, must
1331 focus on clearly defined objectives, and must provide the most
1332 efficient path to quick reunification or permanent placement
1333 given the circumstances of the case and the child's need for
1334 safe and proper care. A copy of the amended plan must be

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1335 immediately given to the persons identified in s. 39.6011(5) ~~s.~~
1336 ~~39.6011(6)(b)~~.

1337 Section 20. Paragraph (p) of subsection (4) of section
1338 394.495, Florida Statutes, is amended to read:

1339 394.495 Child and adolescent mental health system of care;
1340 programs and services.—

1341 (4) The array of services may include, but is not limited
1342 to:

1343 (p) Trauma-informed services for children who have suffered
1344 sexual exploitation as defined in s. 39.01(70)(g) ~~s.~~
1345 ~~39.01(69)(g)~~.

1346 Section 21. Paragraph (c) of subsection (1) and paragraphs
1347 (a) and (b) of subsection (6) of section 409.1678, Florida
1348 Statutes, are amended to read:

1349 409.1678 Specialized residential options for children who
1350 are victims of sexual exploitation.—

1351 (1) DEFINITIONS.—As used in this section, the term:

1352 (c) "Sexually exploited child" means a child who has
1353 suffered sexual exploitation as defined in s. 39.01(70)(g) ~~s.~~
1354 ~~39.01(69)(g)~~ and is ineligible for relief and benefits under the
1355 federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101
1356 et seq.

1357 (6) LOCATION INFORMATION.—

1358 (a) Information about the location of a safe house, safe
1359 foster home, or other residential facility serving victims of
1360 sexual exploitation, as defined in s. 39.01(70)(g) ~~s.~~
1361 ~~39.01(69)(g)~~, which is held by an agency, as defined in s.
1362 119.011, is confidential and exempt from s. 119.07(1) and s.
1363 24(a), Art. I of the State Constitution. This exemption applies

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1364 to such confidential and exempt information held by an agency
1365 before, on, or after the effective date of the exemption.

1366 (b) Information about the location of a safe house, safe
1367 foster home, or other residential facility serving victims of
1368 sexual exploitation, as defined in s. 39.01(70)(g) ~~s.~~
1369 ~~39.01(69)(g)~~, may be provided to an agency, as defined in s.
1370 119.011, as necessary to maintain health and safety standards
1371 and to address emergency situations in the safe house, safe
1372 foster home, or other residential facility.

1373 Section 22. Subsection (5) of section 960.065, Florida
1374 Statutes, is amended to read:

1375 960.065 Eligibility for awards.—

1376 (5) A person is not ineligible for an award pursuant to
1377 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that
1378 person is a victim of sexual exploitation of a child as defined
1379 in s. 39.01(70)(g) ~~s. 39.01(69)(g)~~.

1380 Section 23. Subsection (11) of section 1002.3305, Florida
1381 Statutes, is amended to read:

1382 1002.3305 College-Preparatory Boarding Academy Pilot
1383 Program for at-risk students.—

1384 (11) STUDENT HOUSING.—Notwithstanding s. 409.176 ~~ss.~~
1385 ~~409.1677(3)(d)~~ and ~~409.176~~ or any other provision of law, an
1386 operator may house and educate dependent, at-risk youth in its
1387 residential school for the purpose of facilitating the mission
1388 of the program and encouraging innovative practices.

1389 Section 24. Section 39.523, Florida Statutes, is repealed.

1390 Section 25. Section 409.141, Florida Statutes, is repealed.

1391 Section 26. Section 409.1676, Florida Statutes, is
1392 repealed.

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1393 Section 27. Section 409.1677, Florida Statutes, is
1394 repealed.

1395 Section 28. Section 409.1679, Florida Statutes, is
1396 repealed.

1397 Section 29. This act shall take effect July 1, 2016.