

By the Committees on Appropriations; and Children, Families, and Elder Affairs; and Senator Detert

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1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.013,
3 F.S.; extending court jurisdiction to age 22 for young
4 adults with disabilities in foster care; amending s.
5 39.2015, F.S.; revising requirements of the quarterly
6 report submitted by the critical incident response
7 team advisory committee; amending s. 39.402, F.S.;
8 revising information that the Department of Children
9 and Families is required to inform the court at
10 shelter hearings; revising the written findings
11 required to be included in an order for placement of a
12 child in shelter care; amending s. 39.521, F.S.;
13 revising timelines and distribution requirements for
14 case plans and predisposition studies; amending s.
15 39.522, F.S.; providing conditions under which a child
16 may be returned home with an in-home safety plan;
17 amending s. 39.6011, F.S.; providing the purpose of a
18 case plan; requiring a case plan to document that a
19 preplacement plan has been provided and reasonable
20 efforts have been made to prevent out-of-home
21 placement; removing the prohibition of threatening or
22 coercing a parent with the loss of custody or parental
23 rights for failing to admit certain actions in a case
24 plan; providing that a child must be given the
25 opportunity to review, sign, and receive a copy of his
26 or her case plan; providing additional requirements
27 when the child attains a certain age; requiring the
28 case plan to document that each parent has received
29 additional written notices; amending s. 39.6012, F.S.;
30 providing additional requirements for the department
31 and criteria for a case plan, with regard to

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32 placement, permanency, education, health care, contact
33 with family, extended family, and fictive kin, and
34 independent living; amending s. 39.6035, F.S.;
35 requiring court approval of a transition plan before
36 the child attains 18 years of age; amending s. 39.621,
37 F.S.; creating an exception to the order of preference
38 for permanency goals under ch. 39, F.S., for
39 maintaining and strengthening the placement;
40 authorizing the new permanency goal to be used in
41 specified circumstances; amending s. 39.701, F.S.;
42 revising the information that must be included in a
43 specified written report under certain circumstances;
44 requiring a court, if possible, to order the
45 department to file a written notification; creating s.
46 409.143, F.S.; requiring every child placed in out-of-
47 home care to be referred within a certain time for a
48 comprehensive behavioral health assessment; providing
49 requirements and procedures for such assessment;
50 requiring the department or the community-based care
51 lead agency to establish permanency teams; requiring
52 an assessment within a certain timeframe from the
53 beginning of a new placement in group care; providing
54 for judicial review of certain placements; requiring
55 the department to submit an annual report to the
56 Governor and the Legislature on the placement of
57 children in licensed out-of-home care; creating s.
58 409.144, F.S.; providing legislative findings and
59 intent; defining terms; requiring the department to
60 develop a continuum of care for the placement of

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61 children in care settings; requiring a plan to recruit
62 and retain specialized placements for specific
63 children and young adults; requiring the department to
64 develop a quality rating system for group home and
65 foster homes; providing requirements for the rating
66 system; requiring the department to submit a report
67 annually to the Governor and the Legislature;
68 requiring the department to adopt rules; amending s.
69 409.1451, F.S.; requiring that a child be living in
70 licensed care on or after his or her 18th birthday as
71 a condition for receiving aftercare services; amending
72 s. 409.986, F.S., revising the definition of the term
73 "care"; amending s. 409.988, F.S.; requiring lead
74 agencies to ensure the availability of a full array of
75 services; requiring specified intervention services;
76 requiring the department to submit annually to the
77 Governor and the Legislature a report that evaluates
78 the adequacy of intervention services; requiring the
79 department to adopt rules; amending s. 409.996, F.S.;
80 requiring the department to ensure quality and
81 availability of services; amending s. 39.202, F.S.;
82 conforming provisions to changes made by the act;
83 amending ss. 39.5085 and 1002.3305, F.S.; conforming
84 cross-references; repealing s. 39.523, F.S., relating
85 to the placement of children in residential group
86 care; repealing s. 409.141, F.S., relating to
87 equitable reimbursement methodology; repealing s.
88 409.1676, F.S., relating to comprehensive residential
89 group care services to children who have extraordinary

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90 needs; repealing s. 409.1677, F.S., relating to model
91 comprehensive residential services programs; repealing
92 s. 409.1679, F.S., relating to program requirements
93 and reimbursement methodology; providing an effective
94 date.

95

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

97

98 Section 1. Subsection (2) of section 39.013, Florida
99 Statutes, is amended to read:

100 39.013 Procedures and jurisdiction; right to counsel.—

101 (2) The circuit court has exclusive original jurisdiction
102 of all proceedings under this chapter, of a child voluntarily
103 placed with a licensed child-caring agency, a licensed child-
104 placing agency, or the department, and of the adoption of
105 children whose parental rights have been terminated under this
106 chapter. Jurisdiction attaches when the initial shelter
107 petition, dependency petition, or termination of parental rights
108 petition, or a petition for an injunction to prevent child abuse
109 issued pursuant to s. 39.504, is filed or when a child is taken
110 into the custody of the department. The circuit court may assume
111 jurisdiction over any such proceeding regardless of whether the
112 child was in the physical custody of both parents, was in the
113 sole legal or physical custody of only one parent, caregiver, or
114 some other person, or was not in the physical or legal custody
115 of any person when the event or condition occurred that brought
116 the child to the attention of the court. When the court obtains
117 jurisdiction of any child who has been found to be dependent,
118 the court shall retain jurisdiction, unless relinquished by its

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119 order, until the child reaches 21 years of age, or 22 years of
120 age if the child has a disability, with the following
121 exceptions:

122 (a) If a young adult chooses to leave foster care upon
123 reaching 18 years of age.

124 (b) If a young adult does not meet the eligibility
125 requirements to remain in foster care under s. 39.6251 or
126 chooses to leave care under that section.

127 (c) If a young adult petitions the court at any time before
128 his or her 19th birthday requesting the court's continued
129 jurisdiction, the juvenile court may retain jurisdiction under
130 this chapter for a period not to exceed 1 year following the
131 young adult's 18th birthday for the purpose of determining
132 whether appropriate services that were required to be provided
133 to the young adult before reaching 18 years of age have been
134 provided.

135 (d) If a petition for special immigrant juvenile status and
136 an application for adjustment of status have been filed on
137 behalf of a foster child and the petition and application have
138 not been granted by the time the child reaches 18 years of age,
139 the court may retain jurisdiction over the dependency case
140 solely for the purpose of allowing the continued consideration
141 of the petition and application by federal authorities. Review
142 hearings for the child shall be set solely for the purpose of
143 determining the status of the petition and application. The
144 court's jurisdiction terminates upon the final decision of the
145 federal authorities. Retention of jurisdiction in this instance
146 does not affect the services available to a young adult under s.
147 409.1451. The court may not retain jurisdiction of the case

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148 after the immigrant child's 22nd birthday.

149 Section 2. Subsection (11) of section 39.2015, Florida
150 Statutes, is amended to read:

151 39.2015 Critical incident rapid response team.—

152 (11) The secretary shall appoint an advisory committee made
153 up of experts in child protection and child welfare, including
154 the Statewide Medical Director for Child Protection under the
155 Department of Health, a representative from the institute
156 established pursuant to s. 1004.615, an expert in organizational
157 management, and an attorney with experience in child welfare, to
158 conduct an independent review of investigative reports from the
159 critical incident rapid response teams and to make
160 recommendations to improve policies and practices related to
161 child protection and child welfare services. The advisory
162 committee shall meet at least once each quarter and shall submit
163 quarterly reports to the secretary ~~which include findings and~~
164 ~~recommendations.~~ The quarterly reports must include findings and
165 recommendations and must describe the implementation status of
166 all recommendations contained within the advisory committee
167 reports, including an entity's reason for not implementing a
168 recommendation, if applicable. The secretary shall submit each
169 report to the Governor, the President of the Senate, and the
170 Speaker of the House of Representatives.

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

173 39.402 Placement in a shelter.—

174 (8)

175 (f) At the shelter hearing, the department shall inform the
176 court of:

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177 1. Any identified current or previous case plans negotiated
178 under this chapter in any judicial circuit ~~district~~ with the
179 parents or caregivers ~~under this chapter~~ and problems associated
180 with compliance;

181 2. Any adjudication of the parents or caregivers of
182 delinquency;

183 3. Any past or current injunction for protection from
184 domestic violence; and

185 4. All of the child's places of residence during the prior
186 12 months.

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

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

192 2. That placement in shelter care is in the best interest
193 of the child.

194 3. That continuation of the child in the home is contrary
195 to the welfare of the child because the home situation presents
196 a substantial and immediate danger to the child's physical,
197 mental, or emotional health or safety which cannot be mitigated
198 by the provision of safety management ~~preventive~~ services.

199 4. That based upon the allegations of the petition for
200 placement in shelter care, there is probable cause to believe
201 that the child is dependent or that the court needs additional
202 time, which may not exceed 72 hours, in which to obtain and
203 review documents pertaining to the family in order to
204 appropriately determine whether placement in shelter care is
205 necessary to ensure the child's safety ~~risk to the child~~.

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206 5. That the department has made reasonable efforts to
207 prevent or eliminate the need for removal of the child from the
208 home. A finding of reasonable effort by the department to
209 prevent or eliminate the need for removal may be made and the
210 department is deemed to have made reasonable efforts to prevent
211 or eliminate the need for removal if:

212 a. The first contact of the department with the family
213 occurs during an emergency;

214 b. The appraisal of the home situation by the department
215 indicates that the home situation presents a substantial and
216 immediate danger to the child's physical, mental, or emotional
217 health or safety which cannot be mitigated by the provision of
218 safety management preventive services, including issuance of an
219 injunction against a perpetrator of domestic violence pursuant
220 to s. 39.504;

221 c. The child cannot safely remain at home, either because
222 there are no safety management preventive services that can
223 ensure the health and safety of the child or because, even with
224 appropriate and available services being provided, the health
225 and safety of the child cannot be ensured; or

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

229 6. That the department has made reasonable efforts to keep
230 siblings together if they are removed and placed in out-of-home
231 care unless such placement is not in the best interest of each
232 child. It is preferred that siblings be kept together in a
233 foster home, if available. Other reasonable efforts shall
234 include short-term placement in a group home with the ability to

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235 accommodate sibling groups if such a placement is available. The
236 department shall report to the court its efforts to place
237 siblings together unless the court finds that such placement is
238 not in the best interest of a child or his or her sibling.

239 7. That the court notified the parents, relatives that are
240 providing out-of-home care for the child, or legal custodians of
241 the time, date, and location of the next dependency hearing and
242 of the importance of the active participation of the parents,
243 relatives that are providing out-of-home care for the child, or
244 legal custodians in all proceedings and hearings.

245 8. That the court notified the parents or legal custodians
246 of their right to counsel to represent them at the shelter
247 hearing and at each subsequent hearing or proceeding, and the
248 right of the parents to appointed counsel, pursuant to the
249 procedures set forth in s. 39.013.

250 9. That the court notified relatives who are providing out-
251 of-home care for a child as a result of the shelter petition
252 being granted that they have the right to attend all subsequent
253 hearings, to submit reports to the court, and to speak to the
254 court regarding the child, if they so desire.

255 Section 4. Paragraph (a) of subsection (1) of section
256 39.521, Florida Statutes, is amended, and present paragraphs (b)
257 through (f) of that subsection are redesignated as paragraphs
258 (c) through (g), respectively, to read:

259 39.521 Disposition hearings; powers of disposition.—

260 (1) A disposition hearing shall be conducted by the court,
261 if the court finds that the facts alleged in the petition for
262 dependency were proven in the adjudicatory hearing, or if the
263 parents or legal custodians have consented to the finding of

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264 dependency or admitted the allegations in the petition, have
265 failed to appear for the arraignment hearing after proper
266 notice, or have not been located despite a diligent search
267 having been conducted.

268 (a) A written case plan and a predisposition study prepared
269 by an authorized agent of the department must be approved by
270 filed with the court. The department must file the case plan and
271 the predisposition study with the court, serve a copy of the
272 case plan on, ~~served upon~~ the parents of the child, and provide
273 a copy of the case plan ~~provided~~ to the representative of the
274 guardian ad litem program, if the program has been appointed,
275 and ~~provided~~ to all other parties:

276 1. Not less than 72 hours before the disposition hearing,
277 if the disposition hearing occurs on or after the 60th day after
278 the date the child was placed in out-of-home care. All such case
279 plans must be approved by the court.

280 2. Not less than 72 hours before the case plan acceptance
281 hearing, if the disposition hearing occurs before the 60th day
282 after the date the child was placed in out-of-home care and a
283 case plan has not been submitted pursuant to this paragraph, or
284 if the court does not approve the case plan at the disposition
285 hearing. The case plan acceptance hearing must occur, ~~the court~~
286 ~~must set a hearing~~ within 30 days after the disposition hearing
287 to review and approve the case plan.

288 (b) The court may grant an exception to the requirement for
289 a predisposition study by separate order or within the judge's
290 order of disposition upon finding that all the family and child
291 information required by subsection (2) is available in other
292 documents filed with the court.

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

295 39.522 Postdisposition change of custody.—The court may
296 change the temporary legal custody or the conditions of
297 protective supervision at a postdisposition hearing, without the
298 necessity of another adjudicatory hearing.

299 (2) In cases where the issue before the court is whether a
300 child should be reunited with a parent, the court shall
301 determine whether the circumstances that caused the out-of-home
302 placement and issues subsequently identified have been remedied
303 ~~parent has substantially complied with the terms of the case~~
304 ~~plan~~ to the extent that the return of the child to the home with
305 an in-home safety plan will not be detrimental to the child's
306 safety, well-being, and physical, mental, and emotional health
307 ~~of the child is not endangered by the return of the child to the~~
308 ~~home.~~

309 Section 6. Section 39.6011, Florida Statutes, is amended to
310 read:

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

313 39.6011 Case plan purpose; requirements; procedures.—

314 (1) PURPOSE.—The purpose of the case plan is to promote and
315 facilitate change in parental behavior and to address the
316 treatment and long-term well-being of children receiving
317 services under this chapter.

318 (2) GENERAL REQUIREMENTS.—The department shall draft a case
319 plan for each child receiving services under this chapter. The
320 case plan must:

321 (a) Document that an assessment of the service needs of the

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322 child and family, and preventive services, if appropriate, have
323 been provided pursuant to s. 409.143 and that reasonable efforts
324 to prevent out-of-home placement have been made.

325 (b) Be developed in a face-to-face conference with the
326 parent of the child, any court-appointed guardian ad litem, the
327 child's attorney, and, if appropriate, the temporary custodian
328 of the child. The parent may receive assistance from any person
329 or social service agency in preparing the case plan. The social
330 service agency, the department, and the court, when applicable,
331 shall inform the parent of the right to receive such assistance,
332 including the right to assistance of counsel.

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

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

340 (e) Specify the period of time for which the case plan is
341 applicable, which must be as short a period as possible for the
342 parent to comply with the terms of the plan. The case plan's
343 compliance period expires no later than 12 months after the date
344 the child was initially removed from the home, the date the
345 child is adjudicated dependent, or the date the case plan is
346 accepted by the court, whichever occurs first.

347 (f) Be signed by all of the parties. Signing the case plan
348 constitutes an acknowledgment by each of the parties that they
349 have been involved in the development of the case plan and that
350 they are in agreement with the terms and conditions contained in

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351 the case plan. The refusal of a parent to sign the case plan
352 does not preclude the court's acceptance of the case plan if it
353 is otherwise acceptable to the court. The parent's signing of
354 the case plan does not constitute an admission to any allegation
355 of abuse, abandonment, or neglect and does not constitute
356 consent to a finding of dependency or termination of parental
357 rights. The department shall explain the provisions of the case
358 plan to all persons involved in its implementation, before the
359 signing of the plan.

360 (3) PARTICIPATION BY THE CHILD.—If the child has attained
361 14 years of age or is otherwise of an appropriate age and
362 capacity, the child must:

363 (a) Be consulted on the development of the case plan; have
364 the opportunity to attend a face-to-face conference, if
365 appropriate; have the opportunity to express a placement
366 preference; and have the option to choose two members for the
367 case planning team who are not a foster parent or caseworker for
368 the child.

369 1. An individual selected by a child to be a member of the
370 case planning team may be rejected at any time if there is good
371 cause to believe that the individual would not act in the best
372 interest of the child. One individual selected by a child to be
373 a member of the child's case planning team may be designated to
374 be the child's advisor and, as necessary, advocate with respect
375 to the application of the reasonable and prudent parent standard
376 to the child.

377 2. The child may not be included in an aspect of the case
378 planning process when information will be revealed or discussed
379 which is of a nature that would best be presented to the child

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380 in a more therapeutic setting.

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

383 (c) Receive an explanation of the provisions of the case
384 plan from the department.

385 (d) After the case plan is agreed upon and signed by all of
386 the parties, and after jurisdiction attaches and the case plan
387 is filed with the court, be provided a copy of the case plan
388 within 72 hours before the disposition hearing.

389 (e) Notwithstanding s. 39.202, the department may discuss
390 confidential information during the case planning conference in
391 the presence of individuals who participate in the staffing. All
392 individuals who participate in the staffing shall maintain the
393 confidentiality of all information shared during the case
394 planning staffing.

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

397 (a) That he or she may not be coerced or threatened with
398 the loss of custody or parental rights for failing to admit the
399 abuse, neglect, or abandonment of the child in the case plan.
400 Participation in the development of a case plan is not an
401 admission to any allegation of abuse, abandonment, or neglect
402 and does not constitute consent to a finding of dependency or
403 termination of parental rights.

404 (b) That the department must document a parent's
405 unwillingness or inability to participate in developing a case
406 plan and provide such documentation in writing to the parent
407 when it becomes available for the court record. In such event,
408 the department shall prepare a case plan that, to the extent

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409 possible, conforms with the requirements of this section. The
410 parent must also be advised that his or her unwillingness or
411 inability to participate in developing a case plan does not
412 preclude the filing of a petition for dependency or for
413 termination of parental rights. If the parent is available, the
414 department shall provide a copy of the case plan to the parent
415 and advise him or her that, at any time before the filing of a
416 petition for termination of parental rights, he or she may enter
417 into a case plan and that he or she may request judicial review
418 of any provision of the case plan with which he or she disagrees
419 at any court hearing set for the child.

420 (c) That his or her failure to substantially comply with
421 the case plan may result in the termination of parental rights
422 and that a material breach of the case plan may result in the
423 filing of a petition for termination of parental rights before
424 the scheduled completion date.

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

428 (a) After the case plan has been agreed upon and signed by
429 the parties, a copy of the case plan must immediately be given
430 to the parties and to other persons, as directed by the court.

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

436 (c) After jurisdiction attaches, all case plans must be
437 filed with the court and a copy provided to all of the parties

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438 whose whereabouts are known not less than 72 hours before the
439 disposition hearing. The department shall file with the court
440 all case plans prepared before jurisdiction of the court
441 attaches, and the department shall provide copies of all such
442 case plans to all of the parties.

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

447 Section 7. Section 39.6012, Florida Statutes, is amended to
448 read:

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

451 39.6012 Services and parental tasks under the case plan;
452 safety, permanency, and well-being of the child.—The case plan
453 must include a description of the identified problem that is
454 being addressed, including the parent's behavior or acts that
455 have resulted in a threat to the safety of the child and the
456 reason for the department's intervention. The case plan must be
457 designed to improve conditions in the child's home to facilitate
458 the child's safe return and ensure proper care of the child, or
459 to facilitate the child's permanent placement. The services
460 offered must be as unobtrusive as possible in the lives of the
461 parent and the child, must focus on clearly defined objectives,
462 and must provide the most timely and efficient path to
463 reunification or permanent placement, given the circumstances of
464 the case and the child's need for safe and proper care.

465 (1) CASE PLAN SERVICES AND TASKS.—The case plan must be
466 based upon an assessment of the circumstances that required

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467 intervention by the child welfare system. The case plan must
468 describe the role of the foster parents or legal custodians and
469 must be developed in conjunction with the determination of the
470 services that are to be provided under the case plan to the
471 child, foster parents, or legal custodians. If a parent's
472 substantial compliance with the case plan requires the
473 department to provide services to the parent or the child and
474 the parent agrees to begin compliance with the case plan before
475 it is accepted by the court, the department shall make
476 appropriate referrals for services which will allow the parent
477 to immediately begin the agreed-upon tasks and services.

478 (a) Itemization in the case plan.—The case plan must
479 describe each of the tasks that the parent must complete and the
480 services that will be provided to the parent, in the context of
481 the identified problem, including:

482 1. The type of services or treatment that will be provided.

483 2. If the service is being provided by the department or
484 its agent, the date the department will provide each service or
485 referral for service.

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

487 4. The frequency of services or treatment to be provided,
488 which shall be determined by the professionals providing the
489 services and may be adjusted as needed based on the best
490 professional judgment of the providers.

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

492 6. Identification of the staff of the department or of the
493 service provider who are responsible for the delivery of
494 services or treatment.

495 7. A description of measurable outcomes, including the

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496 timeframes specified for achieving the objectives of the case
497 plan and addressing the identified problem.

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

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

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

516 (2) SAFETY, PERMANENCY, AND WELL-BEING OF THE CHILD.—The
517 case plan must include all available information that is
518 relevant to the child's care, including a detailed description
519 of the identified needs of the child while in care and a
520 description of the plan for ensuring that the child receives
521 safe and proper care that is appropriate to his or her needs.
522 Participation by the child must meet the requirements under s.
523 39.6011.

524 (a) Placement.—To comply with federal law, the department

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525 must ensure that the placement of a child in foster care is in
526 the least restrictive, most family-like environment; must review
527 the family assessment, safety plan, and case plan for the child
528 to assess the necessity for and the appropriateness of the
529 placement; must assess the progress that has been made toward
530 case plan outcomes; and must project a likely date by which the
531 child may be safely reunified or placed for adoption or legal
532 guardianship. The family assessment must indicate the type of
533 placement to which the child has been assigned and must document
534 the following:

535 1. That the child has undergone the placement assessments
536 required pursuant to s. 409.143.

537 2. That the child has been placed in the least restrictive
538 and most family-like setting available consistent with the best
539 interest and special needs of the child and in as close
540 proximity as possible to the child's home.

541 3. If the child is placed in a setting that is more
542 restrictive than recommended by the placement assessments or is
543 placed more than 50 miles from the child's home, the reasons for
544 which the placement is necessary and in the best interest of the
545 child and the steps required to place the child in the placement
546 recommended by the assessment.

547 4. If residential group care is recommended for the child,
548 the needs of the child which necessitate such placement, the
549 plan for transitioning the child to a family setting, and the
550 projected timeline for the child's transition to a less
551 restrictive environment.

552 5. If the child is placed in residential group care, that
553 his or her case plan is reviewed and updated within 90 days

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554 after the child's admission to the residential group care
555 facility and at least every 60 days thereafter.

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

562 1. If concurrent planning is being used, a description of
563 the permanency goal of reunification with the parent or legal
564 custodian and a description of one of the remaining permanency
565 goals defined in s. 39.01; or, if concurrent case planning is
566 not being used, an explanation as to why it is not being used.

567 2. If the case plan has as its goal the adoption of the
568 child or his or her placement in another permanent home, a
569 statement of the child's wishes regarding his or her permanent
570 placement plan and an assessment of those stated wishes. The
571 case plan must also include documentation of the steps the
572 social service agency is taking to find an adoptive family or
573 other permanent living arrangements for the child; to place the
574 child with an adoptive family, an appropriate and willing
575 relative, or a legal guardian; and to finalize the adoption or
576 legal guardianship. At a minimum, the documentation must include
577 child-specific recruitment efforts, such as the use of state,
578 regional, and national adoption exchanges, including electronic
579 exchange systems, after he or she has become legally eligible
580 for adoption.

581 3. If the child has been in out-of-home care for at least
582 12 months and the permanency goal is not adoptive placement, the

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583 documentation of the compelling reason for a finding that
584 termination of parental rights is not in the child's best
585 interest.

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

594 1. Takes into account the appropriateness of the current
595 educational setting and the proximity to the school in which the
596 child is enrolled at the time of placement.

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

605 (d) Health care.—To the extent that they are available and
606 accessible, the names and addresses of the child's health and
607 behavioral health providers, a record of the child's
608 immunizations, the child's known medical history, including any
609 known health issues, the child's medications, and any other
610 relevant health and behavioral health information must be
611 attached to the case plan and updated throughout the judicial

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612 review process.

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

627 1. Information regarding any court-ordered visitation
628 between the child and the parents and the court-ordered terms
629 and conditions necessary to facilitate the visits and protect
630 the safety of the child.

631 2. Information regarding the schedule and frequency of the
632 visits between the child and his or her siblings, as well as any
633 court-ordered terms and conditions necessary to facilitate the
634 visits and protect the safety of the child.

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

640 (f) Independent living.-

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

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

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

666 39.6035 Transition plan.—

667 ~~(4) If a child is planning to leave care upon reaching 18~~
668 ~~years of age,~~ The transition plan must be approved by the court
669 before the child attains 18 years of age and must be attached to

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670 the case plan and updated before each judicial review ~~child~~
671 ~~leaves care and the court terminates jurisdiction.~~

672 Section 9. Subsection (2) of section 39.621, Florida
673 Statutes, is amended, and present subsections (3) through (11)
674 of that section are redesignated as subsections (4) through
675 (12), respectively, to read:

676 39.621 Permanency determination by the court.—

677 (2) The permanency goal of maintaining and strengthening
678 the placement with a parent may be used in the following
679 circumstances:

680 (a) If a child has not been removed from a parent but is
681 found to be dependent, even if adjudication of dependency is
682 withheld, the court may leave the child in the current placement
683 with maintaining and strengthening the placement as a permanency
684 option.

685 (b) If a child has been removed from a parent and is placed
686 with the parent from whom the child was not removed, the court
687 may leave the child in the placement with the parent from whom
688 the child was not removed with maintaining and strengthening the
689 placement as a permanency option.

690 (c) If a child has been removed from a parent and is
691 subsequently reunified with that parent, the court may leave the
692 child with that parent with maintaining and strengthening the
693 placement as a permanency option.

694 (3) Except as provided in subsection (2), the permanency
695 goals available under this chapter, listed in order of
696 preference, are:

697 (a) Reunification;

698 (b) Adoption, if a petition for termination of parental

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699 rights has been or will be filed;

700 (c) Permanent guardianship of a dependent child under s.
701 39.6221;

702 (d) Permanent placement with a fit and willing relative
703 under s. 39.6231; or

704 (e) Placement in another planned permanent living
705 arrangement under s. 39.6241.

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

708 39.701 Judicial review.—

709 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
710 AGE.—

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

717 1. A description of the type of placement the child is in
718 at the time of the hearing, including the safety of the child,
719 ~~and the continuing necessity for and appropriateness of the~~
720 placement, and that the placement is in the least restrictive
721 and most family-like setting that meets the assessed needs of
722 the child, or an explanation of why the placement is not in the
723 least restrictive and most family-like setting available that
724 meets the assessed needs of the child.

725 2. Documentation of the diligent efforts made by all
726 parties to the case plan to comply with each applicable
727 provision of the case plan.

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728 3. The amount of fees assessed and collected during the
729 period of time being reported.

730 4. The services provided to the foster family or legal
731 custodian in an effort to address the needs of the child as
732 indicated in the case plan.

733 5. A statement that either:

734 a. The parent, though able to do so, did not comply
735 substantially with the case plan, and the agency
736 recommendations;

737 b. The parent did substantially comply with the case plan;
738 or

739 c. The parent has partially complied with the case plan,
740 with a summary of additional progress needed and the agency
741 recommendations.

742 6. A statement of whether the circumstances that caused the
743 out-of-home placement and issues subsequently identified have
744 been remedied to the extent that the return of the child to the
745 home with an in-home safety plan will not be detrimental to the
746 child's safety, well-being, and physical, mental, and emotional
747 health.

748 ~~7.6.~~ A statement from the foster parent or legal custodian
749 providing any material evidence concerning the return of the
750 child to the parent or parents.

751 ~~8.7.~~ A statement concerning the frequency, duration, and
752 results of the parent-child visitation, if any, and the agency
753 recommendations for an expansion or restriction of future
754 visitation.

755 ~~9.8.~~ The number of times a child has been removed from his
756 or her home and placed elsewhere, the number and types of

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757 placements that have occurred, and the reason for the changes in
758 placement.

759 ~~10.9.~~ The number of times a child's educational placement
760 has been changed, the number and types of educational placements
761 which have occurred, and the reason for any change in placement.

762 ~~11.10.~~ If the child has reached 13 years of age but is not
763 yet 18 years of age, a statement from the caregiver on the
764 progress the child has made in acquiring independent living
765 skills.

766 ~~12.11.~~ Copies of all medical, psychological, and
767 educational records that support the terms of the case plan and
768 that have been produced concerning the parents or any caregiver
769 since the last judicial review hearing.

770 ~~13.12.~~ Copies of the child's current health, mental health,
771 and education records as identified in s. 39.6012.

772 (d) *Orders.*—

773 1. Based upon the criteria ~~set forth~~ in paragraph (c) and
774 the recommended order of the citizen review panel, if any, the
775 court shall determine whether ~~or not~~ the social service agency
776 shall initiate proceedings to have a child declared a dependent
777 child, return the child to the parent, continue the child in
778 out-of-home care for a specified period of time, or initiate
779 termination of parental rights proceedings for subsequent
780 placement in an adoptive home. Amendments to the case plan must
781 be prepared as prescribed in s. 39.6013. If the court finds that
782 remaining in the home with an in-home safety plan will not be
783 detrimental to the child's safety, well-being, and physical,
784 mental, and emotional health ~~the prevention or reunification~~
785 ~~efforts of the department will allow the child to remain safely~~

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786 ~~at home or be safely returned to the home,~~ the court shall allow
787 the child to remain in ~~or return to the home after making a~~
788 ~~specific finding of fact that the reasons for the creation of~~
789 ~~the case plan have been remedied to the extent that the child's~~
790 ~~safety, well-being, and physical, mental, and emotional health~~
791 ~~will not be endangered.~~

792 2. The court shall return the child to the custody of the
793 parents at any time it determines that the circumstances that
794 caused the out-of-home placement and issues subsequently
795 identified have been remedied to the extent that the return of
796 the child to the home with an in-home safety plan ~~they have~~
797 ~~substantially complied with the case plan, if the court is~~
798 ~~satisfied that reunification will not be detrimental to the~~
799 child's safety, well-being, and physical, mental, and emotional
800 health.

801 3. If, in the opinion of the court, the social service
802 agency has not complied with its obligations as specified in the
803 written case plan, the court may find the social service agency
804 in contempt, shall order the social service agency to submit its
805 plans for compliance with the agreement, and shall require the
806 social service agency to show why the child could not safely be
807 returned to the home of the parents.

808 4. If possible, the court shall order the department to
809 file a written notification before a child changes placements or
810 living arrangements. If such notification is not possible before
811 the change, the department must file a notification immediately
812 after a change. A written notification filed with the court must
813 include assurances from the department that the provisions of s.
814 409.145 and administrative rule relating to placement changes

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815 have been met.

816 ~~5.4.~~ If, at any judicial review, the court finds that the
817 parents have failed to substantially comply with the case plan
818 to the degree that further reunification efforts are without
819 merit and not in the best interest of the child, on its own
820 motion, the court may order the filing of a petition for
821 termination of parental rights, whether or not the time period
822 as contained in the case plan for substantial compliance has
823 expired.

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

842 ~~7.6.~~ The court may issue a protective order in assistance,
843 or as a condition, of any other order made under this part. In

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844 addition to the requirements included in the case plan, the
845 protective order may set forth requirements relating to
846 reasonable conditions of behavior to be observed for a specified
847 period of time by a person or agency who is before the court;
848 and the order may require any person or agency to make periodic
849 reports to the court containing such information as the court in
850 its discretion may prescribe.

851 Section 11. Section 409.143, Florida Statutes, is created
852 to read:

853 409.143 Assessment of children in out-of-home placement.-

854 (1) NEEDS ASSESSMENT.-

855 (a) Each child placed in out-of-home care shall be referred
856 by the department for a comprehensive behavioral health
857 assessment within 7 days after the child enters out-of-home
858 care.

859 (b) The comprehensive assessment shall measure the
860 strengths and needs of the child and family and provide
861 recommendations for developing the case plan to ensure that the
862 child has the services and supports that are necessary to
863 maintain the child in the least restrictive out-of-home care
864 setting, promote the child's well-being, accomplish family
865 preservation and reunification, and facilitate permanency
866 planning.

867 (c) Completion of the comprehensive assessment must occur
868 within 30 days after the child enters out-of-home care.

869 (d) Upon receipt of a child's completed comprehensive
870 assessment, the child's case manager shall review the assessment
871 and document whether a less restrictive, more family-like
872 setting for the child is recommended and available. The

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873 department shall document determinations resulting from the
874 comprehensive assessment in the Florida Safe Families Network
875 and update the case plan to include identified needs of the
876 child and specified services and supports to be provided in the
877 out-of-home care placement setting to meet the assessed needs of
878 the child. The case manager shall refer the child and family for
879 all services identified through a comprehensive assessment. The
880 planned services shall be implemented within 30 days after the
881 child's needs are identified. If services are not initiated
882 within 30 days, the case manager shall document reasons in the
883 case file as to why services were not initiated.

884 (e) The department and the community-based care lead agency
885 may conduct additional assessments of a child in out-of-home
886 care if necessary.

887 (2) CHILDREN IN GROUP CARE WITH A RESIDENTIAL CHILD-CARING
888 AGENCY.—

889 (a) Within 30 days after a placement of a child in group
890 care with a residential child-caring agency, a qualified
891 individual shall make an assessment, using a validated and
892 evidence-based assessment tool, and determine whether or not the
893 child's needs can be met with family members or in a family
894 foster home and if not, which of the approved foster care
895 placement settings would provide a more effective and
896 appropriate level of care. The assessment must be done in
897 conjunction with a permanency team that must be established by
898 the department or the community-based care lead agency that
899 places children pursuant to this section. The team must include
900 a representative from the community-based care lead agency, the
901 caseworker for the child, the out-of-home care provider, the

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902 guardian ad litem, any provider of services to the child,
903 teachers, clergy, relatives, and fictive kin.

904 (b) Within 60 days after a placement of a child in group
905 care with a residential child-caring agency, a court must review
906 the assessment and approve or disapprove the placement. At each
907 judicial review and permanency, the department shall demonstrate
908 why the child cannot be served in a family foster home,
909 demonstrate why the placement in group care with a residential
910 child-caring agency continues to be necessary and consistent
911 with the child's short and long-term goals, and document efforts
912 to step the child down into a more family-like setting.

913 (c) If it is determined during any assessment that a child
914 may be suitable for residential treatment as defined in s.
915 39.407, the procedures in that section must be followed.

916 (3) ANNUAL REPORT.—By October 1 of each year, the
917 department shall report to the Governor, the President of the
918 Senate, and the Speaker of the House of Representatives on the
919 placement of children in licensed out-of-home care, including
920 family foster homes and residential group care, during the year.
921 At a minimum, the report must include:

922 (a) The number of children placed in family foster homes
923 and residential group care.

924 (b) The number of children placed outside of the county,
925 outside of the circuit, and outside of the region in which they
926 were removed from their homes.

927 (c) The number of children who had to change schools as a
928 result of a placement decision.

929 (d) The use of each type of placement setting on a local,
930 regional, and statewide level.

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931 (e) An inventory of services available, by community-based
932 care lead agency, which are necessary to maintain children in
933 the least restrictive settings.

934 (f) An inventory of permanency teams that are created by
935 each community-based care lead agency and the progress made by
936 each lead agency to use those teams.

937 Section 12. Section 409.144, Florida Statutes, is created
938 to read:

939 409.144 Continuum of care for children.-

940 (1) LEGISLATIVE FINDINGS AND INTENT.-

941 (a) The Legislature finds that permanency, well-being, and
942 safety are critical goals for all children, especially for those
943 in care, and that children in foster care or at risk of entering
944 foster care are best supported through a continuum of care that
945 provides appropriate ongoing services, supports, and a place to
946 live from entry to exit.

947 (b) The Legislature also finds that federal law requires
948 that out-of-home placements for children be in the least
949 restrictive, most family-like setting available which is in
950 close proximity to the home of their parents and consistent with
951 the best interests and needs of the child, and that children be
952 transitioned from out-of-home care to a permanent home in a
953 timely manner.

954 (c) The Legislature further finds that permanency can be
955 achieved through preservation of the family, through
956 reunification with the birth family, or through legal
957 guardianship or adoption by relatives or other caring and
958 committed adults. Planning for permanency should begin at entry
959 into care and should be child-driven, family-focused, culturally

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960 appropriate, and continuous and approached with the highest
961 degree of urgency.

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

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

969 (a) "Continuum of care" means the complete range of
970 programs, services, and placement options for children served
971 by, or at risk of being served by, the dependency system.

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

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

978 (d) "Out-of-home care" means the placement of a child in
979 licensed and nonlicensed settings, arranged and supervised by
980 the department or contracted service provider, outside the home
981 of the parent.

982 (e) "Residential group care" means a 24-hour, live-in
983 environment that provides supervision, care, and services to
984 meet the physical, emotional, social, and life skills needs of
985 children served by the dependency system. Services may be
986 provided by residential group care staff who are qualified to
987 perform the needed services or by a community-based service
988 provider with clinical expertise, credentials, and training to

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989 provide services to the children being served.

990 (3) DEVELOPMENT OF CONTINUUM OF CARE.—The department, in
991 collaboration with the Florida Institute for Child Welfare and
992 other stakeholders, shall develop a continuum of care for the
993 placement of children in care, including, but not limited to,
994 both family foster care and residential group care. Stakeholders
995 involved in the development of the continuum of care must
996 include representatives from providers, child advocates,
997 children who are currently in care, and young adults who have
998 aged out of care. To implement the continuum of care, the
999 department shall, by December 31, 2017:

1000 (a) Establish levels of care in the continuum of care which
1001 are clearly and concisely defined with the qualifying criteria
1002 for placement for each level of care identified.

1003 (b) Revise licensure standards and rules to reflect the
1004 supports and services provided by a placement at each level of
1005 care and the complexity of the needs of the children served.
1006 Revisions must include attention to the need for a particular
1007 category of provider in a community before licensure may be
1008 considered, the quality standards of operation which must be met
1009 by all licensed providers, the numbers and qualifications of
1010 staff which are adequate to effectively address the issues and
1011 meet the needs of the children that the staff's facility seeks
1012 to serve, and a well-defined process tied to specific criteria
1013 which leads to licensure suspension or revocation.

1014 (c) Develop policies and procedures necessary to ensure
1015 that placement in any level of care is appropriate for each
1016 specific child, is determined by the required assessments and
1017 staffing, and lasts only as long as necessary to resolve the

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1018 issue that required the placement.

1019 (d) Develop a plan to recruit and retain specialized
1020 placements that may be appropriate and necessary for the
1021 following:

1022 1. Placements for pregnant and parenting children and young
1023 adults must include family foster homes that are designed to
1024 provide an out-of-home placement option for young parents and
1025 their children to enable them to live in the same family foster
1026 home while caring for their children and working toward
1027 independent care of the child.

1028 2. Placements for sibling groups must be family foster
1029 homes or residential group homes designed to keep sibling groups
1030 together unless such placements are not in the best interest of
1031 each child.

1032 3. Young adults who have chosen to remain in foster care
1033 after the age of 18 and need independent living arrangements
1034 that provide services and case management.

1035 4. Children who are involved in both the dependency and the
1036 juvenile justice systems. A plan for living arrangements and
1037 access to services for these children shall be developed by the
1038 department, in collaboration with the Department of Juvenile
1039 Justice.

1040 (4) QUALITY RATING SYSTEM.—By June 30, 2017, the department
1041 shall develop, in collaboration with lead agencies, service
1042 providers, and other community stakeholders, a statewide quality
1043 rating system for providers of residential group care. This
1044 system must promote high quality in services and accommodations
1045 by creating measurable minimum quality standards. Domains
1046 addressed by a quality rating system for residential group care

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1047 may include, but are not limited to, admissions, service
1048 planning and treatment planning, living environment, and program
1049 and service requirements. The system must be implemented by July
1050 1, 2018, and must include:

1051 (a) Delineated levels of quality which are clearly and
1052 concisely defined, including the domains measured and criteria
1053 that must be met to be placed in each level of quality.

1054 (b) A well-defined process for notice, inspection,
1055 remediation, appeal, and enforcement.

1056 (5) REPORTING REQUIREMENT.—The department shall submit a
1057 report to the Governor, the President of the Senate, and the
1058 Speaker of the House of Representatives by October 1 of each
1059 year, with the first report due October 1, 2016. At a minimum,
1060 the report must include the following:

1061 (a) An update on the development of the continuum of care
1062 required by this section.

1063 (b) An inventory of existing placements for children by
1064 type and by community-based care lead agency.

1065 (c) An inventory of existing services available by
1066 community-based care lead agency and a plan for filling any
1067 identified gap, as well as a determination of what services are
1068 available that can be provided to children in family foster care
1069 without having to move the child to a more restrictive
1070 placement.

1071 (d) The strategies being used by community-based care lead
1072 agencies to recruit, train, and support an adequate number of
1073 families to provide home-based family care.

1074 (e) For every placement of a child made which is contrary
1075 to an appropriate placement as determined by the assessment

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1076 process in s. 409.143, an explanation from the community-based
1077 care lead agency as to why the placement was made.

1078 (f) The strategies being used by the community-based care
1079 lead agencies to reduce the high percentage of turnover in
1080 caseworkers.

1081 (g) A plan for oversight by the department over the
1082 implementation of the continuum of care by the community-based
1083 care lead agencies.

1084 (h) An update on the development of a statewide quality
1085 rating system for residential group care and family foster
1086 homes, and in 2018 and subsequent years, a list of providers
1087 meeting minimum quality standards and their quality ratings, the
1088 percentage of children placed in residential group care with
1089 highly rated providers, any negative action taken against
1090 contracted providers for not meeting minimum quality standards,
1091 and a plan for department oversight of the implementation of the
1092 statewide quality rating system for residential group care by
1093 the community-based lead agencies.

1094 (6) RULEMAKING.—The department shall adopt rules to
1095 implement this section.

1096 Section 13. Paragraph (a) of subsection (3) of section
1097 409.1451, Florida Statutes, is amended to read:

1098 409.1451 The Road-to-Independence Program.—

1099 (3) AFTERCARE SERVICES.—

1100 (a) Aftercare services are available to a young adult who
1101 was living in licensed care on his or her 18th birthday, who has
1102 reached 18 years of age but is not yet 23 years of age, and who
1103 is:

1104 1. Not in foster care.

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1105 2. Temporarily not receiving financial assistance under
1106 subsection (2) to pursue postsecondary education.

1107 Section 14. Paragraph (a) of subsection (3) of section
1108 409.986, Florida Statutes, is amended to read:

1109 409.986 Legislative findings and intent; child protection
1110 and child welfare outcomes; definitions.—

1111 (3) DEFINITIONS.—As used in this part, except as otherwise
1112 provided, the term:

1113 (a) "Care" means services of any kind which are designed to
1114 facilitate a child remaining safely in his or her own home,
1115 returning safely to his or her own home if he or she is removed
1116 from the home, or obtaining an alternative permanent home if he
1117 or she cannot remain at home or be returned home. The term
1118 includes, but is not limited to, prevention, intervention,
1119 diversion, and related services.

1120 Section 15. Subsection (3) of section 409.988, Florida
1121 Statutes, is amended to read:

1122 409.988 Lead agency duties; general provisions.—

1123 (3) SERVICES.—

1124 (a) General services.—

1125 1. A lead agency must provide dependent children with
1126 services that are supported by research or that are recognized
1127 as best practices in the child welfare field. The agency shall
1128 give priority to the use of services that are evidence-based and
1129 trauma-informed and may also provide other innovative services,
1130 including, but not limited to, family-centered and cognitive-
1131 behavioral interventions designed to mitigate out-of-home
1132 placements.

1133 2. A lead agency must ensure the availability of a full

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1134 array of services to address the complex needs of all children,
1135 adolescents, parents, and caregivers served within its local
1136 system of care and that sufficient flexibility exists within the
1137 service array to adequately match services to the unique
1138 characteristics of families served, including the ages of the
1139 children, cultural considerations, and parental choice.

1140 3. The department shall annually complete an evaluation of
1141 the adequacy of the lead agencies service array, their use of
1142 trauma-informed and evidence-based programming, and the impact
1143 of available services on outcomes for the children served by the
1144 lead agencies and any subcontracted providers of lead agencies.
1145 The evaluation report shall be submitted to the Governor, the
1146 President of the Senate, and the Speaker of the House of
1147 Representatives by October 1 of each year.

1148 (b) Intervention services.-

1149 1. Intervention services and supports shall be made
1150 available to a child and the parent of a child who is unsafe but
1151 can, with services, remain in his or her home or to a child who
1152 is placed in out-of-home care and the nonmaltreating parent or
1153 relative or nonrelative caregivers with whom an unsafe child is
1154 placed. Intervention services and supports must include:

1155 a. Safety management services provided to an unsafe child
1156 as part of a safety plan that immediately and actively protects
1157 the child from dangerous threats if the parent or other
1158 caregiver cannot protect the child, including, but not limited
1159 to, behavior management, crisis management, social connection,
1160 resource support, and separation;

1161 b. Treatment services provided to a parent or caregiver
1162 which are used to achieve a fundamental change in behavioral,

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1163 cognitive, and emotional functioning associated with the reason
1164 that the child is unsafe, including, but not limited to,
1165 parenting skills training, support groups, counseling, substance
1166 abuse treatment, mental and behavioral health services,
1167 certified domestic violence center services for survivors of
1168 domestic violence and their children, and batterers'
1169 intervention programs that comply with s. 741.325 and other
1170 intervention services for perpetrators of domestic violence;

1171 c. Child well-being services provided to an unsafe child
1172 which address a child's physical, emotional, developmental, and
1173 educational needs, including, but not limited to, behavioral
1174 health services, substance abuse treatment, tutoring,
1175 counseling, and peer support; and

1176 d. Services provided to nonmaltreating parents or relative
1177 or nonrelative caregivers to stabilize the child's placement,
1178 including, but not limited to, transportation, clothing,
1179 household goods, assistance with housing and utility payments,
1180 child care, respite care, and assistance connecting families
1181 with other community-based services.

1182 2. A lead agency shall prepare a case plan for each child
1183 and his or her family receiving services and support under this
1184 section. The plan must identify the permanency goal for the
1185 child and list the services and supports provided. Services must
1186 be tied to the placement and permanency goal and must be
1187 specified in advance of delivery. Priority must be given to
1188 services that are evidence-based and trauma-informed.

1189 3. By October 1, 2016, each community-based care lead
1190 agency shall submit a monitoring plan to the department
1191 describing how the lead agency will monitor and oversee the

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1192 safety of children who receive intervention services and
1193 supports. The monitoring plan must include a description of
1194 training and support for caseworkers handling intervention
1195 cases, including how caseload size and type will be determined,
1196 managed, and overseen.

1197 4. Beginning October 1, 2016, each community-based care
1198 lead agency shall collect and report annually to the department,
1199 as part of the child welfare results-oriented accountability
1200 program required under s. 409.997, the following with respect to
1201 each child for whom, or on whose behalf, intervention services
1202 and supports are provided:

1203 a. The number of children and families served;

1204 b. The specific services provided and the total
1205 expenditures for each such service;

1206 c. The child's placement status at the beginning and at the
1207 end of service provision; and

1208 d. The child's placement status 1 year after the end of
1209 service provision.

1210 5. Outcomes for this subsection shall be included in the
1211 annual report required under s. 409.997.

1212 6. The department shall use programmatic characteristics
1213 and research and evaluation characteristics for well-supported,
1214 promising, and emerging programs and practices to inventory
1215 intervention services and supports by type and by lead agency.
1216 The inventory shall be submitted to the Governor, the President
1217 of the Senate, and the Speaker of the House of Representatives
1218 by October 1 of each year.

1219 7. The department may adopt rules to implement this
1220 subsection.

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1221 Section 16. Section 409.996, Florida Statutes, is amended
1222 to read:

1223 409.996 Duties of the Department of Children and Families.—
1224 The department shall contract for the delivery, administration,
1225 or management of care for children in the child protection and
1226 child welfare system. In doing so, the department retains
1227 responsibility to ensure ~~for~~ the quality of contracted services
1228 and programs and ~~shall ensure~~ that an adequate array of services
1229 are available to be delivered in accordance with applicable
1230 federal and state statutes and regulations.

1231 Section 17. Paragraph (s) of subsection (2) of section
1232 39.202, Florida Statutes, is amended to read:

1233 39.202 Confidentiality of reports and records in cases of
1234 child abuse or neglect.—

1235 (2) Except as provided in subsection (4), access to such
1236 records, excluding the name of the reporter which shall be
1237 released only as provided in subsection (5), shall be granted
1238 only to the following persons, officials, and agencies:

1239 (s) Persons with whom the department is seeking to place
1240 the child or to whom placement has been granted, including
1241 foster parents for whom an approved home study has been
1242 conducted, the designee of a licensed residential child-caring
1243 agency defined ~~group home described~~ in s. 409.175 ~~s. 39.523~~, an
1244 approved relative or nonrelative with whom a child is placed
1245 pursuant to s. 39.402, preadoptive parents for whom a favorable
1246 preliminary adoptive home study has been conducted, adoptive
1247 parents, or an adoption entity acting on behalf of preadoptive
1248 or adoptive parents.

1249 Section 18. Paragraph (a) of subsection (2) of section

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1250 39.5085, Florida Statutes, is amended to read:

1251 39.5085 Relative Caregiver Program.—

1252 (2) (a) The Department of Children and Families shall
1253 establish and operate the Relative Caregiver Program pursuant to
1254 eligibility guidelines established in this section as further
1255 implemented by rule of the department. The Relative Caregiver
1256 Program shall, within the limits of available funding, provide
1257 financial assistance to:

1258 1. Relatives who are within the fifth degree by blood or
1259 marriage to the parent or stepparent of a child and who are
1260 caring full-time for that dependent child in the role of
1261 substitute parent as a result of a court's determination of
1262 child abuse, neglect, or abandonment and subsequent placement
1263 with the relative under this chapter.

1264 2. Relatives who are within the fifth degree by blood or
1265 marriage to the parent or stepparent of a child and who are
1266 caring full-time for that dependent child, and a dependent half-
1267 brother or half-sister of that dependent child, in the role of
1268 substitute parent as a result of a court's determination of
1269 child abuse, neglect, or abandonment and subsequent placement
1270 with the relative under this chapter.

1271 3. Nonrelatives who are willing to assume custody and care
1272 of a dependent child in the role of substitute parent as a
1273 result of a court's determination of child abuse, neglect, or
1274 abandonment and subsequent placement with the nonrelative
1275 caregiver under this chapter. The court must find that a
1276 proposed placement under this subparagraph is in the best
1277 interest of the child.

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1279 The placement may be court-ordered temporary legal custody to
1280 the relative or nonrelative under protective supervision of the
1281 department pursuant to s. 39.521(1)(c)3. ~~s. 39.521(1)(b)3.~~, or
1282 court-ordered placement in the home of a relative or nonrelative
1283 as a permanency option under s. 39.6221 or s. 39.6231 or under
1284 former s. 39.622 if the placement was made before July 1, 2006.
1285 The Relative Caregiver Program shall offer financial assistance
1286 to caregivers who would be unable to serve in that capacity
1287 without the caregiver payment because of financial burden, thus
1288 exposing the child to the trauma of placement in a shelter or in
1289 foster care.

1290 Section 19. Subsection (11) of section 1002.3305, Florida
1291 Statutes, is amended to read:

1292 1002.3305 College-Preparatory Boarding Academy Pilot
1293 Program for at-risk students.—

1294 (11) STUDENT HOUSING.—Notwithstanding s. 409.176 ~~ss.~~
1295 ~~409.1677(3)(d) and 409.176~~ or any other ~~provision of law~~, an
1296 operator may house and educate dependent, at-risk youth in its
1297 residential school for the purpose of facilitating the mission
1298 of the program and encouraging innovative practices.

1299 Section 20. Section 39.523, Florida Statutes, is repealed.

1300 Section 21. Section 409.141, Florida Statutes, is repealed.

1301 Section 22. Section 409.1676, Florida Statutes, is
1302 repealed.

1303 Section 23. Section 409.1677, Florida Statutes, is
1304 repealed.

1305 Section 24. Section 409.1679, Florida Statutes, is
1306 repealed.

1307 Section 25. This act shall take effect July 1, 2016.