

Committee on Children, Families, and Elder Affairs

CS/CS/SB 96 — Child Welfare

by Rules Committee; Children, Families, and Elder Affairs Committee; and Senator Book and others

The bill makes a number of changes and clarifies provisions relating to the child welfare system, including to the intake process and reporting requirements, investigations, penalties, and confidentiality of records and reports. Further, the bill makes changes to the Department of Children and Families' (DCF) duties, lead agencies' and managing entities' duties, new programs, and establishes a commission.

Intake Process and Reporting Requirements for Child Abuse, Abandonment, or Neglect

The bill reorganizes, clarifies, and modifies the intake process and reporting requirements as follows:

- Creates s. 39.101, F.S., to reorganize and clarify provisions relating to the central abuse hotline (hotline) contained in provisions of s. 39.201, F.S., under current law and directs the Division of Law Revision to add s. 39.101, F.S., to ch. 39, part II, F.S.;
- Requires the hotline to maintain and produce statistical reports relating to child abuse and sexual abuse that are reported from or occur in specified educational settings;
- Provides that a person required to report to the hotline is not relieved from their duty to report by notifying his or her supervisor;
- Reorganizes and clarifies reporting requirements, and adds requirements relating to reporting, and data collection and analysis; and
- Creates s. 39.208, F.S., imposing cross-reporting requirements for any person who is required to investigate child abuse, abandonment, or neglect to report known or suspected animal cruelty, and requires animal control officers to report any known or suspected child abuse, abandonment, or neglect.

Child Welfare Investigations

The bill modifies or relocates provisions relating to investigations as follows:

- Requires a representative from a child advocacy center (CAC) to be included on the critical incident rapid response team (CIRRT) conducting investigations of child deaths in certain circumstances, effective as of October 1, 2021;
- Provides that CACs offer multidisciplinary services to children who are abused, abandoned, or neglected, and provide coordinated responses to victims and their families;
- Requires the DCF to conduct an investigation similar to a CIRRT of a verified report of sexual abuse of a child in out-of-home care in specified circumstances which meet certain requirements, effective October 1, 2021;
- Provides that a child protective investigator who is assigned to investigate child sexual abuse allegations must continually assess and take protective actions to address the safety of other children in the out-of-home placement or who are accessible to the alleged perpetrator; and

- Relocates provisions regarding attorney representation of alleged perpetrators during an investigation of institutional child abuse, abandonment, or neglect.

Penalties Related to Failure to Report Certain Abuse, Abandonment, or Neglect Allegations

The bill provides for criminal penalties relating to cross-reporting requirements and clarifies penalties for school personnel for failing to report child abuse, abandonment, or neglect as follows:

- Provides criminal penalties for child protective investigators to knowingly and willfully failing to report animal abuse; and
- Requires a minimum of a 1 year suspension of the instructional personnel's or school administrator's educator certificate in specified circumstances.

Confidentiality

The bill modifies and clarifies current law regarding confidential reports or records as follows:

- Provides for employees, authorized agents, or contract providers of the Agency for Health Care Administration to have access to confidential reports or records, except for the name and other identifying reporter information, in cases of child abuse or neglect;
- Adds members of the Legislature to the list of authorized individuals that may have access to specified confidential reports and records in cases of child abuse or neglect within 7 days of such a request, if requested within that time frame; and
- Clarifies provisions regarding a caregiver's requirement to maintain confidentiality of any information provided under s. 39.4087, F.S.

DCF Duties

The bill modifies the DCF's duties as follows:

- Amends the DCF's duties to collect and post information regarding the managing entities' and lead agencies' compensation and other financial information;
- Requires the DCF to work with all stakeholders to help children in out-of-home care become knowledgeable about their rights, including providing certain information in specified timeframes;
- Requires the DCF to conduct a multi-year review of specified financial information of lead agencies and develop a plan to ensure financial viability of such entities;
- Requires the DCF to make available training for caregivers developed in collaboration with certain agencies on the life skills necessary for children in out-of-home care;
- Increases the capacity of children that can be placed in a licensed foster home without an additional assessment to align with current federal law and provides the DCF with the ability to adopt rules to establish requirements for requesting a Title IV-E waiver for over-capacity; and
- Requires the DCF and animal welfare associations to develop or adopt and use already available training materials to provide a 1-hour training to all child protective investigators and animal control officers on cross-reporting awareness and requirements.

Lead Agencies' and Managing Entities' Duties

Lead agencies and managing entities must comply with the following requirements:

- Requires board members or officers of a managing entity or lead agency, or their relatives, to disclose specified activity that may reasonably be construed as a conflict of interest, and provides procedures to follow to address such conflict;
- Modifies the information that lead agencies must post on their websites;
- Requires a statement on promotional and other literature which states the lead agency is contracted with the DCF;
- Requires through their contracts with the DCF that the lead agencies demonstrate the ability to adhere to best child welfare practices enumerated in chs. 39 and 409, F.S., and provide information on their adherence to such best practices; and
- Requires lead agencies to fund the cost of increased care in certain circumstances.

Programs and Services for Children and Families in the Child Welfare System

The bill expands existing programs and creates the following new programs to improve outcomes:

- Requires, rather than authorizes, the DCF, contracted sheriffs' offices, and lead agencies to develop a formal family-finding program;
- Requires, rather than authorizes, each lead agency to establish a kinship navigator program;
- Creates the Foster Information Center to serve current and potential foster parents and provide additional resources to foster parent and kinship caregivers;
- Authorizes and encourages district school boards to establish educational programs for students relating to certain information about identifying abuse, abandonment, or neglect; and
- Authorizes each Office of Criminal Conflict and Civil Regional Council (OCCCRC) to establish a multidisciplinary legal representation program for parents in the dependency system with specified duties and reporting requirements.

Commission on Mental Health and Substance Abuse

The bill creates a Commission on Mental Health and Substance Abuse adjunct to the DCF to examine the current methods of providing such services in Florida and providing for its composition, duties, and reporting requirements.

Repealed Provisions

The following statutes have been repealed and the provision deleted:

- Repeals ss. 409.1453 and 409.1753, F.S., relating to design and dissemination of training for foster care caregivers and foster care duties, respectively, as such provisions were relocated to other sections; and

- Eliminates an obsolete provision that requires the Florida Institute for Child Welfare to evaluate the Guardianship Assistance Program.

If approved by the Governor, these provisions take effect July 1, 2021, except as otherwise provided.

Vote: Senate 39-0; House 116-0