

Committee on Children, Families, And Elder Affairs

CS/HB 215 — Dependent Children

by Healthy Families Subcommittee; Rep. Albritton and others (CS/SB 164 by Children, Families, and Elder Affairs Committee; and Senators Detert, Sobel, and Stargel)

The bill (Chapter 2013-21, L.O.F.) amends the law related to children in foster care to better enable these children to participate in extracurricular, enrichment and other social activities. Currently children in foster care are often not allowed to participate in normal, age appropriate activities such as sports, spending an overnight with friends, and even going to the prom. The bill also facilitates the ability of the caregiver to approve activities for foster children, without fear of civil liability. The bill specifies a standard, the reasonable and prudent parent standard, which governs whether a caregiver may be held liable for harm to a foster child while engaged in activities approved by the caregiver. The bill requires the department to adopt rules to administer the new requirements.

The bill provides and clarifies the standard for a court to use in determining whether to return a child to a parent after the court enters an adjudication of dependency. If the child is living with a parent, in order to approve the return of the child to the other parent, there must be finding of substantial compliance with the case plan and the standard shall be that the safety, well-being, and physical, mental, and emotional health of the child would not be endangered by reunification. Reunification must also be in the best interest of the child.

This clarifies that a child may not be returned to the parent who harmed the child simply on the basis that the risk of present or future harm is removed. Rather, the move must also be in the child's best interest if the child is currently living in the home of a stable, non-abusive parent.

The bill replaces current law which requires caregivers to produce quarterly progress reports on age appropriate activities with inclusion of activities into the agency's judicial social study report provided to the court.

These provisions were approved by the Governor and take effect on July 1, 2013.

Vote: Senate 38-0; House 116-0