

By the Committee on Judiciary; and Senators Garcia and Campbell

308-2111-02

1                                   A bill to be entitled  
2           An act relating to foster care; amending s.  
3           39.812, F.S.; specifying the circumstances  
4           under which the Department of Children and  
5           Family Services may remove a child from a  
6           foster home after denying the foster parent's  
7           application for adoption; providing legislative  
8           findings and intent regarding the delivery of  
9           services under the child welfare system and the  
10          role of foster parents as participants in the  
11          system; creating s. 409.1684, F.S.; creating  
12          the "Foster Parent Act"; specifying  
13          responsibilities of the department with respect  
14          to foster parents; specifying responsibilities  
15          of foster parents; requiring the department and  
16          agencies providing foster care services under  
17          contract with the department to prepare an  
18          annual plan for implementation of the act;  
19          providing an effective date.

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

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23           Section 1. Subsection (4) of section 39.812, Florida  
24 Statutes, is amended to read:

25           39.812 Postdisposition relief; petition for  
26 adoption.--

27           (4) The court shall retain jurisdiction over any child  
28 placed in the custody of the department until the child is  
29 adopted. After custody of a child for subsequent adoption has  
30 been given to the department, the court has jurisdiction for  
31 the purpose of reviewing the status of the child and the

1 progress being made toward permanent adoptive placement. As  
2 part of this continuing jurisdiction, for good cause shown by  
3 the guardian ad litem for the child, the court may review the  
4 appropriateness of the adoptive placement of the child. When a  
5 licensed foster parent has applied to adopt a foster child who  
6 has resided with the foster parent for at least 6 months and  
7 who has previously been permanently committed to the legal  
8 custody of the department and the department does not grant  
9 the application to adopt, the department may not, in the  
10 absence of a prior court order authorizing it to do so, remove  
11 the child from the foster home, except when:

12 (a) There is probable cause to believe that the child  
13 is at imminent risk of abuse or neglect;

14 (b) Thirty days have expired following written notice  
15 to the foster parent of the denial of the application to  
16 adopt, within which period no formal challenge of the  
17 department's decision has been filed; or

18 (c) The foster parent agrees to the child's removal.

19 Section 2. Legislative findings and intent.--

20 (1) The Legislature finds and declares that the design  
21 and delivery of services under the child welfare system should  
22 be directed by the principle that health and safety of  
23 children should be of paramount concern.

24 (2) Family foster care is an essential service for  
25 children and their families who have been separated due to  
26 child abuse, neglect, or dependency. When children have been  
27 separated from their families, it is the responsibility of the  
28 Department of Children and Family Services, its service  
29 providers, and other participants in the child welfare system  
30 to respond to the needs of the children and their families, by  
31 means which shall include:

1           (a) Providing protection and nurture to children in a  
2 safe, healthy environment.

3           (b) Meeting the developmental and emotional needs of  
4 the children, including maintaining and promoting the child's  
5 emotional attachment to his or her own family.

6           (c) Protecting and promoting the child's cultural  
7 identity and heritage.

8           (d) Working toward permanency for the children by  
9 connecting them to safe, nurturing relationships intended to  
10 last a lifetime, preferably with their own family.

11           (3) Foster parents are an essential part of and  
12 fulfill an integral role in the child welfare system, along  
13 with children in care who are old enough to participate in  
14 planning and services, parents of children in care,  
15 caseworkers, and other professionals serving the child and  
16 family. By providing care for children and supporting the  
17 attachment of children to their families in a manner sensitive  
18 to each child's and family's unique needs, the foster parent  
19 serves the child, the family, and the community.

20           (4) In order to successfully fulfill their role,  
21 foster parents must be committed to the goals for dependent  
22 children provided in s. 39.4085, Florida Statutes, and must  
23 provide care to children and promote the best interests of the  
24 children and families served. In order to achieve these goals,  
25 foster parents must understand and be sensitive to issues of  
26 culture, ethnicity, and religion, and the children's  
27 connection with their families, and must maintain a level of  
28 care, conduct, and demeanor that is consistent with the high  
29 professional ethics demanded of all others serving children in  
30 the child welfare system.

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1           (5) The Legislature finds that there is a need to  
2 establish public policy regarding the role of foster parents.  
3 The Legislature intends by enactment of s. 409.1684, Florida  
4 Statutes, to provide a statement of foster parents'  
5 responsibilities, which shall apply to all foster parents in  
6 the state, whether supervised by the Department of Children  
7 and Family Services or by another agency under contract to the  
8 department to provide foster care services.

9           Section 3. Section 409.1684, Florida Statutes, is  
10 created to read:

11           409.1684 Foster parent responsibilities.--

12           (1) SHORT TITLE.--This section may be cited as the  
13 "Foster Parent Act."

14           (2) RESPONSIBILITIES OF DEPARTMENT OF CHILDREN AND  
15 FAMILY SERVICES TO A FOSTER PARENT.--The responsibilities of  
16 the Department of Children and Family Services to a foster  
17 parent include, but are not limited to, the following:

18           (a) Treating a foster parent with dignity, respect,  
19 and consideration as a professional participant in the child  
20 welfare system.

21           (b) Giving a foster parent standardized preservice  
22 training and appropriate ongoing training to meet mutually  
23 assessed needs and improve the foster parent's skills.

24           (c) Informing a foster parent as to how to contact the  
25 appropriate child-placing agency in order to receive  
26 information and assistance to access supportive services for  
27 children in the foster parent's care.

28           (d) Providing a foster parent with timely financial  
29 reimbursement commensurate with the care needs of the child,  
30 as specified in a contract.

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1           (e) Providing a foster parent with a copy of the  
2 child's case plan and any subsequent changes, so that the  
3 foster parent will have a clear, written understanding of the  
4 placement agency's plan concerning the placement of a child in  
5 the foster parent's home. It is the foster parent's  
6 responsibility to support activities that will promote the  
7 child's right to relationships with his or her own family and  
8 cultural heritage.

9           (f) Providing to a foster parent a fair, timely, and  
10 impartial investigation of complaints concerning the foster  
11 parent's licensure. The department shall adopt by rule  
12 policies that provide foster parents with opportunities to:

13           1. Have a person of the foster parent's choosing  
14 present during licensure review meetings conducted as a result  
15 of a complaint.

16           2. Request and receive a department administrative  
17 review of decisions that impact licensure.

18           3. Have decisions that result in a corrective action  
19 plan verbally explained and tied to the specific licensure  
20 rules that have been violated.

21           (g) Providing to a foster parent at any time during  
22 which a child is placed with the foster parent additional or  
23 necessary information that is relevant to the care of the  
24 child.

25           (h) Notifying a foster parent of scheduled meetings  
26 and staff briefings concerning the foster child in order to  
27 include the foster parent in actively participating in the  
28 case planning and decisionmaking process regarding the child,  
29 including individual service planning meetings, administrative  
30 case reviews, interdisciplinary staff briefings, and  
31 individual educational planning meetings; the opportunity to

1 be informed of decisions made by the courts, or the department  
2 or its service providers, concerning the child; the  
3 opportunity to provide input concerning the plan of services  
4 for the child and to have that input given full consideration  
5 in the same manner as information presented by any other  
6 professional participant in the child welfare system; and the  
7 opportunity to communicate with other professionals who work  
8 with the foster child within the context of the provision of  
9 services to dependent children, including therapists,  
10 physicians, and teachers.

11 (i) Providing to a foster parent, in a timely and  
12 consistent manner, any information a caseworker or other  
13 service provider has regarding the child and the child's  
14 family which is pertinent to the care and needs of the child  
15 and to making a permanency plan for the child. Disclosure of  
16 information concerning the child's family shall be limited to  
17 information that is essential for understanding the needs of  
18 and providing care to the child, in order to protect the  
19 rights of the child's family.

20 (j) Providing to a foster parent reasonable notice of  
21 plans to terminate the placement of the child and the reasons  
22 for the termination in placement, so that the foster parent  
23 will be able to help the child with the transition. Policies  
24 for such termination shall be adopted in rule and shall  
25 include reasonable timeframes for the child's transition to a  
26 new placement. Such notice shall be waived only in cases of a  
27 court order or when the child is determined to be at imminent  
28 risk of harm.

29 (k) Notifying a foster parent in a timely and complete  
30 manner of all court hearings, including notice of the date and  
31 time of the hearing, the name of the judge or hearing officer

1 hearing the case, the location of the hearing, and the court  
2 docket number of the case.

3 (l) Considering a foster parent as a placement option  
4 when a foster child who was formerly placed with the foster  
5 parent is to reenter foster care, if that placement is  
6 consistent with the best interest of the child and other  
7 children in the family foster home.

8 (m) Providing to all foster parents a written copy of  
9 the child-placing agency's existing complaint process, which  
10 shall include the expectation that the foster parent will be  
11 free from acts of harassment and retaliation by the  
12 child-placing agency when voicing a complaint.

13 (n) Informing a foster parent of the complaint  
14 procedures for reports they may wish to file concerning  
15 misconduct by department employees and of the procedures for  
16 investigation and confidential handling of such reports.

17 (o) Developing and implementing strategies for the  
18 prevention of placement disruptions, in recognition of the  
19 traumatic effect of placement disruptions on a foster child  
20 and the foster family, and for assistance to foster children  
21 and foster families in dealing emotionally with placement  
22 disruptions when they occur.

23 (3) RESPONSIBILITIES OF FOSTER PARENTS.--The role of  
24 the foster parent is to work in partnership with other  
25 professionals to achieve permanency for children and provide  
26 for their safety and well-being. A foster parent's  
27 responsibilities include, but are not limited to, the  
28 following:

29 (a) The responsibility to openly communicate and share  
30 information about the child with other participants in the  
31 child welfare system.

1           (b) The responsibility to respect the confidentiality  
2 of information concerning foster children and their families  
3 and to act appropriately within applicable confidentiality  
4 laws and rules.

5           (c) The responsibility to advocate for children in the  
6 foster parent's care.

7           (d) The responsibility to treat children in the foster  
8 parent's care and the children's families with dignity,  
9 respect, and consideration.

10           (e) The responsibility to recognize the foster  
11 parent's own individual and familial strengths and limitations  
12 when deciding whether to accept a child into care; and the  
13 responsibility to recognize the foster parent's own support  
14 needs and use appropriate supports in providing care for  
15 foster children.

16           (f) The responsibility to be aware of the benefits of  
17 relying on and affiliating with other foster parents and  
18 foster parent associations in improving the quality of care  
19 and service to children and families.

20           (g) The responsibility to assess the foster parent's  
21 ongoing individual training needs and take action to meet  
22 those needs.

23           (h) The responsibility to develop and assist in  
24 implementing strategies to prevent placement disruptions,  
25 recognizing the traumatic impact of placement disruptions on a  
26 foster child and all members of the foster family; and the  
27 responsibility to provide emotional support for the foster  
28 children and members of the foster family if preventive  
29 strategies fail and placement disruptions occur.

30           (i) The responsibility to know the impact foster  
31 parenting has on individuals and family relationships; and the



1 responsibility to endeavor to minimize, as much as possible,  
2 any stress that results from foster parenting.

3 (j) The responsibility to know the rewards and  
4 benefits to children, parents, families, and society that come  
5 from foster parenting and to promote the foster parenting  
6 experience in a positive way.

7 (k) The responsibility to know the roles, rights, and  
8 responsibilities of foster parents, other professional  
9 participants in the child welfare system, the foster child,  
10 and the foster child's own family.

11 (l) The responsibility to know and, as necessary,  
12 fulfill the foster parent's responsibility to serve as a  
13 mandated reporter of suspected child abuse, abandonment, or  
14 neglect under s. 39.201; and the responsibility to know the  
15 department's policy regarding allegations that a foster parent  
16 has committed child abuse, abandonment, or neglect, and the  
17 applicable administrative rules and procedures governing  
18 investigations of those allegations.

19 (m) The responsibility to know and receive training  
20 regarding the purpose of administrative case reviews, case  
21 plans, and court processes, as well as any filing or time  
22 requirements associated with those proceedings; and the  
23 responsibility to actively participate in the foster parent's  
24 designated role in these proceedings.

25 (n) The responsibility to know the appeal procedure  
26 for foster parents and the due process afforded to foster  
27 parents under the procedure.

28 (o) The responsibility to know and understand the  
29 importance of maintaining accurate and relevant records  
30 regarding the child's history and progress, and the  
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1 responsibility to be aware of and follow the procedures and  
2 rules of the department.

3 (p) The responsibility to share information, through  
4 the department, its service providers, or other participants  
5 in the child welfare system, with the subsequent caregiver,  
6 whether the child's parent or another caregiver, regarding the  
7 child's adjustment in the family foster home.

8 (q) The responsibility to provide care and services  
9 that are respectful of and responsive to the child's cultural  
10 needs and are supportive of the relationship between the child  
11 and his or her own family; the responsibility to recognize the  
12 increased importance of maintaining a child's cultural  
13 identity when the race or culture of the foster family differs  
14 from that of the foster child; and the responsibility to take  
15 action to address these issues.

16 (4) IMPLEMENTATION; ANNUAL PLAN.--The department and  
17 each agency providing foster care services under contract with  
18 the department shall be responsible for implementing this  
19 section and shall annually, by January 1, prepare a plan  
20 providing for implementation of this section in each of the  
21 department's service districts. The plans shall be submitted  
22 to foster parents for comment.

23 Section 4. This act shall take effect upon becoming a  
24 law.

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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 1098  
4    --    Removes the word "rights" from the catchline to the  
5           Foster Parent Act.  
6    --    Includes introductory paragraph in the subsection  
7           relating to the responsibilities of foster parents to  
8           state that the role of the foster parents is to work in  
9           partnership with other professionals to achieve  
10          permanency for children.  
11    --    Revises paragraphs governing the responsibilities of the  
12          Department towards foster parents.  
13    --    Adds that the department is also responsible for  
14          developing and assisting in the implementation of  
15          strategies for the prevention of displacement  
16          disruptions.  
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