

By Senator Detert

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1 A bill to be entitled
2 An act relating to children in out-of-home care;
3 creating s. 39.4095, F.S.; providing legislative
4 findings and intent; providing that children in out-
5 of-home care have a right to safe, stable, and
6 nurturing relationships; providing requirements for a
7 child in out-of-home care to maintain a relationship
8 with his or her siblings and kith and kin; prohibiting
9 communication and visits with siblings or kith and kin
10 from being withheld as punishment; authorizing a court
11 to limit communication or visits with siblings or kith
12 and kin under certain circumstances; requiring the
13 Department of Children and Families to give parents
14 who are working toward reunification with their child
15 certain resources to assist them in providing a safe,
16 stable, and nurturing relationship; requiring the
17 department to offer a child in out-of-home care
18 assistance in locating and communicating with his or
19 her parents after a certain time; authorizing the
20 court to limit or restrict communication or visitation
21 with parents under certain circumstances; requiring
22 the department to provide a child in out-of-home care
23 with a caregiver who can provide safe, stable, and
24 nurturing relationships; requiring the department to
25 evaluate caregivers and offer services if necessary;
26 prohibiting a child from being placed in a group home
27 unless all alternatives are exhausted; requiring the
28 department to review a decision to place a child in a
29 group home every 30 days; amending s. 39.6012, F.S.;

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30 requiring that a case plan include a description of
31 services designed to assist parents in providing safe,
32 stable, and nurturing relationships for their
33 children; providing an effective date.
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35 Be It Enacted by the Legislature of the State of Florida:
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37 Section 1. Section 39.4095, Florida Statutes, is created to
38 read:

39 39.4095 Safe, stable, and nurturing relationships.—

40 (1) FINDINGS AND INTENT.—

41 (a) The Legislature finds that children who enter out-of-
42 home care need safe, stable, and nurturing relationships in
43 order to ensure their health and well-being. The federal Centers
44 for Disease Control and Prevention has identified the promotion
45 of safe, stable, and nurturing relationships as a key strategy
46 in public health initiatives to prevent child maltreatment.

47 (b) The Legislature further finds that children enter out-
48 of-home care with existing relationships and it is incumbent on
49 the out-of-home system of care to recognize the importance of
50 relationships to children, to support healthy relationships, and
51 to provide services and support needed to improve unhealthy
52 relationships. The Legislature further finds that the
53 termination of a parent's legal rights does not sever the
54 emotional connection between a child and his or her parents. It
55 is the intent of the Legislature that the system of care respect
56 the needs and desires of children who seek continued
57 relationships or future communication with their parents. It is
58 the further intent of the Legislature that, when the state

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59 provides substitute care for children, it select caregivers who
60 will provide safe, stable, and nurturing relationships. By their
61 very nature, group homes are unable to provide these
62 relationships. Therefore, it is the intent of the Legislature
63 that group homes be used only as a last resort.

64 (2) SIBLING RELATIONSHIPS.—A child in out-of-home care has
65 the right to maintain a relationship with his or her siblings.

66 (a) The department shall promptly advise a child as to the
67 location of and contact information for his or her siblings,
68 including any siblings who are currently unknown to the child.
69 If the existence or location of or contact information for a
70 child's siblings is not known, the department shall make
71 reasonable efforts to ascertain such information.

72 (b) A child's caregiver shall allow the child to have
73 frequent communication and at least weekly visits with his or
74 her siblings. Visits shall also be allowed on holidays,
75 birthdays, and other special occasions. Communication or
76 visitation may not be withheld as a punishment.

77 (c) If a child's sibling is also in out-of-home care and
78 such sibling leaves out-of-home care for any reason, including,
79 but not limited to, emancipation, adoption, or reunification
80 with his or her parents or guardian, the child has a right to
81 continued communication with his or her sibling under this
82 subsection.

83 (d) The court may limit or restrict communication or
84 visitation under this subsection only upon a finding by clear
85 and convincing evidence that the communication or visitation is
86 harmful to the child. If the court makes such a finding, it
87 shall direct the department to immediately provide services to

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88 ameliorate the harm so that communication and visitation may be
89 restored as soon as possible.

90 (3) KITH AND KIN RELATIONSHIPS.—A child in out-of-home care
91 has the right to maintain a relationship with persons who are
92 significant to him or her because of a familial relationship or
93 social bond.

94 (a) A child's caregiver shall allow the child to
95 communicate and, if possible, visit with persons whom the child
96 identifies as being important to him or her. If necessary, the
97 caregiver shall provide the child assistance in locating such
98 persons. Communication or visitation may not be withheld as a
99 punishment.

100 (b) If a child is preverbal or nonverbal, the child's
101 caregiver shall make an effort to allow communication and
102 visitation with identified persons with whom the child has a
103 relationship.

104 (c) The court may limit or restrict communication or
105 visitation with kith and kin only upon a finding by a
106 preponderance of the evidence that the communication or
107 visitation is harmful to the child. If the court makes such a
108 finding, it shall direct the department to immediately provide
109 services to ameliorate the harm so that communication and
110 visitation may be restored.

111 (4) PARENTAL RELATIONSHIPS.—A child in out-of-home care has
112 the right to maintain a relationship with a parent whose
113 parental rights have been terminated.

114 (a) The department shall give parents working toward
115 reunification access to evidence-based services that are
116 tailored to their individual needs which will allow them to

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117 provide safe, stable, and nurturing relationships with their
118 children.

119 (b) The department shall offer to a child in out-of-home
120 care longer than 12 months after parental rights were terminated
121 assistance in locating and communicating with his or her
122 parents. The department shall renew such offer of assistance at
123 least every 6 months.

124 (c) The court may limit or restrict communication or
125 visitation only upon a finding by clear and convincing evidence
126 that the communication or visitation is harmful to the child. If
127 the court makes such a finding, it shall direct the department
128 to immediately provide services to ameliorate the harm so that
129 communication or visitation may be restored as soon as possible.

130 (5) OUT-OF-HOME CAREGIVER RELATIONSHIPS.—The department
131 shall provide a child in out-of-home care with a caregiver who
132 can provide safe, stable, and nurturing relationships. The
133 department shall evaluate the ability of relatives and
134 nonrelative caregivers to provide safe, stable, and nurturing
135 relationships and, if needed, shall offer services and support
136 to caregivers to strengthen their ability to provide such
137 relationships.

138 (6) GROUP HOMES.—A child may be placed in a group home only
139 if every other option has been exhausted. The decision to place
140 a child in a group home must be reviewed by the department every
141 30 days to determine whether placement with a family is
142 practicable.

143 Section 2. Paragraph (e) is added to subsection (3) of
144 section 39.6012, Florida Statutes, to read:

145 39.6012 Case plan tasks; services.—

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146 (3) In addition to any other requirement, if the child is
147 in an out-of-home placement, the case plan must include:

148 (e) A written description of services designed to assist
149 parents in providing safe, stable, and nurturing relationships
150 for their children. Such services must be evidence-based.

151 Section 3. This act shall take effect July 1, 2014.