

1 A bill to be entitled
2 An act relating to the temporary care of a child;
3 creating s. 409.1761, F.S.; providing legislative
4 findings; authorizing qualified nonprofit
5 organizations to establish programs to provide
6 temporary respite care for children; defining terms;
7 providing registration and recordkeeping requirements
8 for such organizations and the Department of Children
9 and Families; exempting such organizations from
10 specified licensure requirements; providing background
11 screening requirements for certain persons;
12 authorizing a parent or legal guardian to enter into a
13 contract for care to provide temporary respite care
14 for a child; specifying the form and execution of the
15 contract; authorizing inspection of documents by the
16 department; prohibiting certain children from
17 obtaining such care; authorizing the department to
18 refer a child for such care; providing applicability;
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. Section 409.1761, Florida Statutes, is created
24 to read:

25 409.1761 Organizations providing respite care for children
26 not in the child welfare system.—The Legislature finds that in

27 circumstances in which the parent or legal guardian of a minor
28 child is temporarily unable to provide care for the child, but
29 does not need the full support of the child welfare system, a
30 less intrusive alternative to supervision by the department or
31 involvement by the judiciary should be available. A qualified
32 nonprofit organization may establish a program that assists
33 parents and legal guardians in providing temporary respite care
34 for a child by a volunteer respite family.

35 (1) DEFINITIONS.—As used in this section, the term:

36 (a) "Qualified nonprofit organization" or "organization"
37 means a private Florida nonprofit organization that assists
38 parents and legal guardians in the provision of temporary
39 respite care for a child by a volunteer respite family under a
40 contract for care. The organization shall provide assistance and
41 support to parents and legal guardians and training and support
42 for volunteer respite families.

43 (b) "Volunteer respite family" means an individual or a
44 family who voluntarily agrees to provide, without compensation,
45 temporary respite care for a child, with the assistance of a
46 qualified nonprofit organization, pursuant to a contract for
47 care with the child's parent or legal guardian.

48 (c) "Volunteer respite home" means the home of a volunteer
49 respite family.

50 (2) REGISTRATION.—

51 (a) An organization must register with the department
52 annually by filing with the department:

53 1. The name, address, telephone number, e-mail address,
54 and other contact information of the organization.

55 2. The name of the organization's director.

56 3. The names and addresses of the officers and members of
57 the board of directors or other governing body of the
58 organization.

59 4. A description of the methods used by the organization
60 to recruit, train, and support volunteer respite families in
61 providing temporary respite care for children and the standards
62 used for evaluating whether a volunteer respite home is safe for
63 children.

64 5. If the organization provides volunteer respite family
65 services in affiliation with another entity, including the use
66 of another entity's volunteer respite family program model, the
67 organization must provide the entity's name, address, telephone
68 number, e-mail address, and other contact information; a
69 description of the program model; and documentation that the
70 organization is in compliance with the minimum standards of the
71 program model.

72 6. An attestation, with any supporting documentation, that
73 the employees and volunteers of the organization are in
74 compliance with the personnel screening requirements in
75 subsection (4).

76 7. An attestation, with any supporting documentation, that
77 the volunteer respite families are in compliance with the
78 personnel screening requirements in subsection (4), and that the

79 organization has inspected the volunteer respite homes and
 80 considers the homes safe for the placement of children.

81 8. The total number of volunteer respite families working
 82 with the organization, the total number of children that the
 83 organization is able to serve, and the total number of children
 84 that the organization currently serves.

85 (b) The department shall develop a system of registration,
 86 maintain a registration record on each organization, and issue a
 87 registration number to each organization that meets the
 88 registration requirements in this subsection.

89 (c) An organization shall maintain information about each
 90 volunteer respite family and child served, which includes at a
 91 minimum:

92 1. The name and age of the child.

93 2. The name, address, telephone numbers, e-mail address,
 94 and other contact information of the child's parent or legal
 95 guardian.

96 3. The name, address, telephone numbers, e-mail address,
 97 and other contact information of the child's volunteer respite
 98 family.

99 4. A copy of the contract for care executed pursuant to
 100 subsection (5).

101 5. Proof of the volunteer respite family's compliance with
 102 the personnel screening requirements in subsection (4).

103 (d) The department may access and inspect the
 104 organization's records maintained pursuant to this subsection at

105 any time to ensure compliance with this section and any
106 standards established by any entity with which the organization
107 is affiliated pursuant to subparagraph (2) (a)5.

108 (3) EXEMPTION FROM LICENSURE.—The licensing provisions in
109 s. 409.175 do not apply to a volunteer respite home or an
110 organization registered under this section unless the
111 organization attempts to place or arrange for the placement of a
112 child as provided in s. 409.175. However, such home or
113 organization shall meet the personnel screening requirements in
114 subsection (4).

115 (a) An organization registered under this section shall
116 make every effort to not accept or place a child with a
117 volunteer respite family that is not qualified or able to
118 adequately care for the child, such as due to the child's
119 disabilities, health conditions, or behavioral challenges. If
120 the organization chooses to not accept or place a child with a
121 volunteer respite family due to the inability of any volunteer
122 respite family to meet the child's needs, the organization shall
123 assist the parent or legal guardian in finding community-based
124 assistance that will meet the child's needs.

125 (b) Chapters 39 and 827, relating to the reporting of
126 child abuse, abandonment, and neglect, apply to an organization
127 registered under this section.

128 (4) SCREENING REQUIREMENTS FOR PERSONNEL.—The department
129 shall attest to the good moral character of the personnel of the
130 organization and members of the volunteer respite home by

131 conducting background screening in compliance with the screening
132 requirements in s. 409.175 and chapter 435. Persons required to
133 be screened under this section include:

134 (a) Employees of the organization who have direct contact
135 with children while assisting parents or legal guardians in
136 providing temporary respite care.

137 (b) Members of the volunteer respite family or persons
138 residing in the volunteer respite home who are older than 12
139 years of age. However, members of a volunteer respite family or
140 persons residing in the volunteer respite home who are between
141 the ages of 12 years and 18 years are not required to be
142 fingerprinted but must be screened for delinquency records.

143 (c) A volunteer who assists on an intermittent basis for
144 fewer than 10 hours per month is not required to be screened if
145 he or she is always accompanied by and in the line of sight of a
146 person who meets the screening requirements in this subsection.

147 (5) CONTRACT FOR CARE.—Before a volunteer respite family
148 begins to care for a child, the child's parent or legal guardian
149 must enter into a written contract for care with the volunteer
150 respite family. Under a contract for care, the parent or legal
151 guardian may delegate to the volunteer respite family any of the
152 powers regarding the care and custody of the child, except the
153 power to consent to the marriage or adoption of the child, the
154 performance of or inducement of an abortion on or for the child,
155 or the termination of parental rights to the child.

156 (a) The contract for care must at a minimum:

157 1. Be signed by both parents, if both parents are living
158 and have shared responsibility and timesharing of the child
159 pursuant to law or a court order. If the parents do not have
160 shared responsibility and timesharing of the child, the parent
161 having sole custody of the child has the authority to enter into
162 the contract for care but shall notify the noncustodial parent
163 in writing of the name and address of the volunteer respite
164 family. Such notification must be provided by certified mail,
165 return receipt requested, to the noncustodial parent at his or
166 her last known address within 5 days after the contract for care
167 is signed. Notification to a noncustodial parent whose parental
168 rights have been terminated is not required.

169 2. Be signed by all members of the volunteer respite
170 family who are 18 years of age or older.

171 3. Be signed by a representative of the organization who
172 assisted with the child's placement with the volunteer respite
173 family.

174 4. Be signed by two subscribing witnesses.

175 5. Be acknowledged by the parent or parents, as applicable
176 under subparagraph 1., and the representative of the qualified
177 nonprofit organization before a notary public.

178 (b) The following information must be in the contract for
179 care:

180 1. A statement that the contract does not deprive the
181 child's parent or legal guardian of any parental or legal
182 authority regarding the care and custody of the child or

183 supersede any court order regarding the care and custody of the
184 child.

185 2. A statement that the contract may be revoked or
186 withdrawn at any time by the parent or legal guardian and that
187 custody of the child shall be returned to the parent or legal
188 guardian as soon as reasonably possible.

189 3. An enumeration of basic services and accommodations
190 provided by the volunteer respite family and organization.

191 4. Identification of the child, the parent or legal
192 guardian, and members of the volunteer respite family, including
193 contact information for all parties.

194 5. Identification of the organization, including contact
195 information for the organization and the organization's primary
196 contact person.

197 6. A statement regarding disciplinary procedures that are
198 used by the volunteer respite family and expectations regarding
199 interactions between the volunteer respite family and the child,
200 including any known behavioral or emotional issues, and how such
201 issues are currently addressed by the child's parent or legal
202 guardian.

203 7. A statement of the minimum expected frequency of
204 contact between the parent or legal guardian and the child,
205 expectations for the volunteer respite family to facilitate any
206 reasonable request for contact with the child outside of the
207 established schedule, and the minimum expected frequency of
208 contact between the parent or legal guardian and the volunteer

209 respite family to discuss the child's well-being and health.

210 8. A statement regarding the child's educational needs,
211 including at a minimum the name and address of the child's
212 school and the names of the child's teachers.

213 9. A list of extracurricular, religious, or community
214 activities and programs in which the child participates.

215 10. A list of any special dietary or nutritional
216 requirements of the child.

217 11. A description of the child's medical needs, including
218 any diagnoses, allergies, therapies, treatments, or medications
219 prescribed to the child and the expectations for the volunteer
220 respite family to address such medical needs.

221 12. A statement that the volunteer respite family agrees
222 to act in the best interests of the child and to consider all
223 reasonable wishes and expectations of the parent or legal
224 guardian concerning the care and comfort of the child.

225 13. A statement that all appropriate members of the
226 volunteer respite family have successfully completed the
227 background screening requirements in subsection (4).

228 14. The expiration date of the contract for care, which
229 may not be more than 6 months after the date of execution.

230 15. A statement that the goal of the organization,
231 volunteer respite family, and parent or legal guardian is to
232 return the child receiving temporary respite care to the parent
233 or legal guardian as soon as the situation requiring such care
234 has been resolved.

235 16. A requirement that the volunteer respite family
236 immediately notify the parent or legal guardian of the child's
237 need for medical care. Authorization for the volunteer respite
238 family to consent to routine and emergency medical care on
239 behalf of the parent or legal guardian shall be granted only
240 upon the separate consent of the parent or legal guardian
241 pursuant to s. 743.0645.

242 (6) INSPECTION OF DOCUMENTS.—The department may, at any
243 time, inspect any documents held by the organization relating to
244 children placed pursuant to this section.

245 (7) ELIGIBILITY.—A child who has been removed from the
246 child's parent or legal guardian due to abuse or neglect and
247 placed in the custody of the department is not eligible to be
248 placed pursuant to this section.

249 (8) DUTIES OF DEPARTMENT.—The department may refer a child
250 to an organization under this section if the department
251 determines that the needs of the child or the needs of the
252 child's family do not rise to the level of requiring an out-of-
253 home safety plan or other formal involvement of the department
254 and that the child and the child's family may benefit from the
255 temporary respite care and services provided by the
256 organization.

257 (9) APPLICABILITY.—Placement of a child under this section
258 without any additional evidence does not constitute abandonment,
259 abuse, or neglect, as defined in s. 39.01, and is not considered
260 to be placement of the child in foster care. However, nothing in

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261 this section prevents the department or a law enforcement agency
262 from investigating allegations of abandonment, abuse, neglect,
263 unlawful desertion of a child, or human trafficking.

264 Section 2. This act shall take effect July 1, 2016.