



1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.013,
3 F.S.; extending court jurisdiction to age 22 for young
4 adults with disabilities in foster care; amending s.
5 39.2015, F.S.; revising requirements of the quarterly
6 report submitted by the critical incident rapid
7 response team advisory committee; amending s. 39.402,
8 F.S.; revising information that the Department of
9 Children and Families is required to inform the court
10 of at shelter hearings; amending s. 39.521, F.S.;
11 revising timelines and distribution requirements for
12 case plans; amending s. 39.522, F.S.; providing
13 conditions under which a child may be returned home
14 with an in-home safety plan; amending s. 39.6011,
15 F.S.; providing that a child of a certain age must be
16 given the opportunity to be consulted on the creation
17 of the case plan; providing for the child to select
18 certain case planning team members and permit those
19 team members access to confidential information;
20 providing that the child review, sign, and receive a
21 copy of his or her case plan; amending s. 39.6035,
22 F.S.; requiring court approval of a transition plan
23 before the child's 18th birthday; amending s. 39.621,
24 F.S.; creating an exception to the order of preference
25 for permanency goals under chapter 39, F.S., for
26 maintaining and strengthening the placement;



27 | authorizing the new permanency goal to be used in
28 | specified circumstances; amending s. 39.701, F.S.;
29 | revising the information which must be included in a
30 | specified written report under certain circumstances;
31 | revising what must be found to maintain or return a
32 | child to his or her home; amending s. 409.1451, F.S.;
33 | requiring that a child be living in licensed care on
34 | or after his or her 18th birthday as a condition for
35 | receiving aftercare services; amending s. 409.986,
36 | F.S.; revising the definition of the term "care" to
37 | include intervention services; amending s. 409.988,
38 | F.S.; requiring a continuum of care; requiring
39 | specified intervention services; requiring the
40 | establishment of permanency teams for certain
41 | children; authorizing the department to adopt rules;
42 | requiring out-of-home care utilization plans by lead
43 | agencies; requiring department tracking of lead agency
44 | plans; requiring a report to the Governor and
45 | Legislature; amending s. 409.996, F.S.; requiring the
46 | department to ensure and develop an adequate array of
47 | services; requiring the development of a statewide
48 | quality rating system; requiring a report to the
49 | Governor and Legislature; amending s. 39.01, F.S.;
50 | revising definition of the term "permanency goal";
51 | amending s. 39.202, F.S.; changing the designation of
52 | an entity; amending ss. 39.5085 and 1002.3305, F.S.;



53 conforming cross-references; repealing s. 39.523,
 54 F.S., relating to the placement of children in
 55 residential group care; repealing s. 409.141, F.S.,
 56 relating to equitable reimbursement methodology;
 57 repealing s. 409.1676, F.S., relating to comprehensive
 58 residential group care services to children who have
 59 extraordinary needs; repealing s. 409.1677, F.S.,
 60 relating to model comprehensive residential services
 61 programs; repealing s. 409.1679, F.S., relating to
 62 program requirements and reimbursement methodology;
 63 providing an effective date.

64

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

66

67 Section 1. Subsection (2) of section 39.013, Florida
 68 Statutes, is amended to read:

69 39.013 Procedures and jurisdiction; right to counsel.—

70 (2) The circuit court has exclusive original jurisdiction
 71 of all proceedings under this chapter, of a child voluntarily
 72 placed with a licensed child-caring agency, a licensed child-
 73 placing agency, or the department, and of the adoption of
 74 children whose parental rights have been terminated under this
 75 chapter. Jurisdiction attaches when the initial shelter
 76 petition, dependency petition, or termination of parental rights
 77 petition, or a petition for an injunction to prevent child abuse
 78 issued pursuant to s. 39.504, is filed or when a child is taken



79 into the custody of the department. The circuit court may assume
80 jurisdiction over any such proceeding regardless of whether the
81 child was in the physical custody of both parents, was in the
82 sole legal or physical custody of only one parent, caregiver, or
83 some other person, or was not in the physical or legal custody
84 of any person when the event or condition occurred that brought
85 the child to the attention of the court. When the court obtains
86 jurisdiction of any child who has been found to be dependent,
87 the court shall retain jurisdiction, unless relinquished by its
88 order, until the child reaches 21 years of age, or 22 years of
89 age if the child has a disability, with the following
90 exceptions:

91 (a) If a young adult chooses to leave foster care upon
92 reaching 18 years of age.

93 (b) If a young adult does not meet the eligibility
94 requirements to remain in foster care under s. 39.6251 or
95 chooses to leave care under that section.

96 (c) If a young adult petitions the court at any time
97 before his or her 19th birthday requesting the court's continued
98 jurisdiction, the juvenile court may retain jurisdiction under
99 this chapter for a period not to exceed 1 year following the
100 young adult's 18th birthday for the purpose of determining
101 whether appropriate services that were required to be provided
102 to the young adult before reaching 18 years of age have been
103 provided.

104 (d) If a petition for special immigrant juvenile status



105 | and an application for adjustment of status have been filed on
106 | behalf of a foster child and the petition and application have
107 | not been granted by the time the child reaches 18 years of age,
108 | the court may retain jurisdiction over the dependency case
109 | solely for the purpose of allowing the continued consideration
110 | of the petition and application by federal authorities. Review
111 | hearings for the child shall be set solely for the purpose of
112 | determining the status of the petition and application. The
113 | court's jurisdiction terminates upon the final decision of the
114 | federal authorities. Retention of jurisdiction in this instance
115 | does not affect the services available to a young adult under s.
116 | 409.1451. The court may not retain jurisdiction of the case
117 | after the immigrant child's 22nd birthday.

118 | Section 2. Subsection (11) of section 39.2015, Florida
119 | Statutes, is amended to read:

120 | 39.2015 Critical incident rapid response team.—

121 | (11) The secretary shall appoint an advisory committee
122 | made up of experts in child protection and child welfare,
123 | including the Statewide Medical Director for Child Protection
124 | under the Department of Health, a representative from the
125 | institute established pursuant to s. 1004.615, an expert in
126 | organizational management, and an attorney with experience in
127 | child welfare, to conduct an independent review of investigative
128 | reports from the critical incident rapid response teams and to
129 | make recommendations to improve policies and practices related
130 | to child protection and child welfare services. The advisory



131 committee shall meet at least once each quarter and shall submit
132 quarterly reports to the secretary. The quarterly reports shall
133 ~~which~~ include findings and recommendations and shall describe
134 the implementation status of all recommendations contained
135 within the advisory committee reports, including an entity's
136 reason for not implementing a recommendation, if applicable. The
137 secretary shall submit each report to the Governor, the
138 President of the Senate, and the Speaker of the House of
139 Representatives.

140 Section 3. Paragraphs (f) and (h) of subsection (8) of
141 section 39.402, Florida Statutes, are amended to read:

142 39.402 Placement in a shelter.—

143 (8)

144 (f) At the shelter hearing, the department shall inform
145 the court of:

146 1. Any identified current or previous case plans
147 negotiated under this chapter in any judicial circuit ~~district~~
148 with the parents or caregivers ~~under this chapter~~ and problems
149 associated with compliance;

150 2. Any adjudication of the parents or caregivers of
151 delinquency;

152 3. Any past or current injunction for protection from
153 domestic violence or an order of no contact; and

154 4. All of the child's places of residence during the prior
155 12 months.

156 (h) The order for placement of a child in shelter care



157 must identify the parties present at the hearing and must
158 contain written findings:

159 1. That placement in shelter care is necessary based on
160 the criteria in subsections (1) and (2).

161 2. That placement in shelter care is in the best interest
162 of the child.

163 3. That continuation of the child in the home is contrary
164 to the welfare of the child because the home situation presents
165 a substantial and immediate danger to the child's physical,
166 mental, or emotional health or safety which cannot be mitigated
167 by the provision of safety management ~~preventive~~ services.

168 4. That based upon the allegations of the petition for
169 placement in shelter care, there is probable cause to believe
170 that the child is dependent or that the court needs additional
171 time, which may not exceed 72 hours, in which to obtain and
172 review documents pertaining to the family in order to
173 appropriately determine whether placement in shelter care is
174 necessary to ensure the child's safety ~~the risk to the child~~.

175 5. That the department has made reasonable efforts to
176 prevent or eliminate the need for removal of the child from the
177 home. A finding of reasonable effort by the department to
178 prevent or eliminate the need for removal may be made and the
179 department is deemed to have made reasonable efforts to prevent
180 or eliminate the need for removal if:

181 a. The first contact of the department with the family
182 occurs during an emergency;



183 b. The appraisal of the home situation by the department
184 indicates that the home situation presents a substantial and
185 immediate danger to the child's physical, mental, or emotional
186 health or safety which cannot be mitigated by the provision of
187 safety management preventive services, including issuance of an
188 injunction against a perpetrator of domestic violence pursuant
189 to s. 39.504;

190 c. The child cannot safely remain at home, either because
191 there are no safety management preventive services, under s.
192 409.988(3)(b), that can ensure the health and safety of the
193 child or because, even with appropriate and available services
194 being provided, the health and safety of the child cannot be
195 ensured; or

196 d. The parent or legal custodian is alleged to have
197 committed any of the acts listed as grounds for expedited
198 termination of parental rights in s. 39.806(1)(f)-(i).

199 6. That the department has made reasonable efforts to keep
200 siblings together if they are removed and placed in out-of-home
201 care unless such placement is not in the best interest of each
202 child. It is preferred that siblings be kept together in a
203 foster home, if available. Other reasonable efforts shall
204 include short-term placement in a group home with the ability to
205 accommodate sibling groups if such a placement is available. The
206 department shall report to the court its efforts to place
207 siblings together unless the court finds that such placement is
208 not in the best interest of a child or his or her sibling.



209 7. That the court notified the parents, relatives that are
210 providing out-of-home care for the child, or legal custodians of
211 the time, date, and location of the next dependency hearing and
212 of the importance of the active participation of the parents,
213 relatives that are providing out-of-home care for the child, or
214 legal custodians in all proceedings and hearings.

215 8. That the court notified the parents or legal custodians
216 of their right to counsel to represent them at the shelter
217 hearing and at each subsequent hearing or proceeding, and the
218 right of the parents to appointed counsel, pursuant to the
219 procedures set forth in s. 39.013.

220 9. That the court notified relatives who are providing
221 out-of-home care for a child as a result of the shelter petition
222 being granted that they have the right to attend all subsequent
223 hearings, to submit reports to the court, and to speak to the
224 court regarding the child, if they so desire.

225 Section 4. Paragraph (a) of subsection (1) of section
226 39.521, Florida Statutes, is amended, paragraphs (b) through (f)
227 are redesignated as paragraphs (c) through (g), respectively,
228 and a new paragraph (b) is added to that subsection, to read:

229 39.521 Disposition hearings; powers of disposition.—

230 (1) A disposition hearing shall be conducted by the court,
231 if the court finds that the facts alleged in the petition for
232 dependency were proven in the adjudicatory hearing, or if the
233 parents or legal custodians have consented to the finding of
234 dependency or admitted the allegations in the petition, have



235 failed to appear for the arraignment hearing after proper
236 notice, or have not been located despite a diligent search
237 having been conducted.

238 (a) A written case plan and a predisposition study
239 prepared by an authorized agent of the department must be
240 approved by the court. The department must file the case plan
241 and predisposition study ~~filed~~ with the court, serve them ~~served~~
242 upon the parents of the child, and provide them ~~provided~~ to the
243 representative of the guardian ad litem program, if the program
244 has been appointed, and ~~provided~~ to all other parties:

245 1. Not less than 72 hours before the disposition hearing,
246 if the disposition hearing occurs on or after 60 days after the
247 child was placed in out-of-home care ~~All such case plans must be~~
248 ~~approved by the court.~~

249 2. Not less than 72 hours before the case plan acceptance
250 hearing, if the disposition hearing occurs prior to 60 days
251 after the child was placed in out-of-home care and a case plan
252 was not submitted pursuant to this paragraph or ~~If~~ the court
253 does not approve the case plan at the disposition hearing. The
254 case plan acceptance hearing must occur within 30 days after the
255 disposition hearing, ~~the court must set a hearing within 30 days~~
256 ~~after the disposition hearing to review and approve the case~~
257 ~~plan.~~

258 (b) The court may grant an exception to the requirement
259 for a predisposition study by separate order or within the
260 judge's order of disposition upon finding that all the family



261 and child information required by subsection (2) is available in
262 other documents filed with the court.

263 Section 5. Subsection (2) of section 39.522, Florida
264 Statutes, is amended to read:

265 39.522 Postdisposition change of custody.—The court may
266 change the temporary legal custody or the conditions of
267 protective supervision at a postdisposition hearing, without the
268 necessity of another adjudicatory hearing.

269 (2) In cases where the issue before the court is whether a
270 child should be reunited with a parent, the court shall
271 determine whether the circumstances that caused the out-of-home
272 placement and issues subsequently identified have been remedied
273 ~~parent has substantially complied with the terms of the case~~
274 ~~plan~~ to the extent that the return of the child to the home with
275 an in-home safety plan will not be detrimental to the child's
276 safety, well-being, and physical, mental, and emotional health
277 ~~of the child is not endangered by the return of the child to the~~
278 ~~home.~~

279 Section 6. Paragraphs (b) and (c) of subsection (1) of
280 section 39.6011, Florida Statutes, are redesignated as
281 paragraphs (c) and (d), respectively, and a new paragraph (b) is
282 added to that subsection, to read:

283 39.6011 Case plan development.—

284 (1) The department shall prepare a draft of the case plan
285 for each child receiving services under this chapter. A parent
286 of a child may not be threatened or coerced with the loss of



287 custody or parental rights for failing to admit in the case plan
288 of abusing, neglecting, or abandoning a child. Participating in
289 the development of a case plan is not an admission to any
290 allegation of abuse, abandonment, or neglect, and it is not a
291 consent to a finding of dependency or termination of parental
292 rights. The case plan shall be developed subject to the
293 following requirements:

294 (b) If the child has attained 14 years of age or is
295 otherwise of an appropriate age and capacity, the child must:

296 1. Be consulted on the development of the case plan; have
297 the opportunity to attend a face-to-face conference, if
298 appropriate; express a placement preference; and have the option
299 to choose two members of the case planning team who are not a
300 foster parent or caseworker for the child.

301 a. An individual selected by a child to be a member of the
302 case planning team may be rejected at any time if there is good
303 cause to believe that the individual would not act in the best
304 interest of the child. One individual selected by a child to be
305 a member of the child's case planning team may be designated to
306 be the child's advisor and, as necessary, advocate, with respect
307 to the application of the reasonable and prudent parent standard
308 to the child.

309 b. Notwithstanding s. 39.202, the department may discuss
310 confidential information during the case planning conference in
311 the presence of individuals chosen by the child to participate
312 in the conference. All individuals who participate in the



313 conference shall maintain the confidentiality of any and all
314 information shared during the case planning conference.

315 c. The child may not be included in any aspect of the case
316 planning process when information will be revealed or discussed
317 that is of a nature that would best be presented to the child in
318 a more therapeutic setting.

319 2. Sign the case plan, unless there is reason to waive the
320 child's signature.

321 3. Receive an explanation of the provisions of the case
322 plan from the department.

323 4. Be provided a copy of the case plan after the case plan
324 has been agreed upon and signed and within 72 hours before the
325 disposition hearing after jurisdiction attaches and the plan has
326 been filed with the court.

327 Section 7. Subsection (4) of section 39.6035, Florida
328 Statutes, is amended to read:

329 39.6035 Transition plan.—

330 ~~(4) If a child is planning to leave care upon reaching 18~~
331 ~~years of age,~~ The transition plan must be approved by the court
332 before the child's 18th birthday and must be attached to the
333 case plan and updated before each judicial review ~~child leaves~~
334 ~~care and the court terminates jurisdiction.~~

335 Section 8. Subsections (2) through (11) of section 39.621,
336 Florida Statutes, are renumbered as subsections (3) through
337 (12), respectively, present subsection (2) is amended, and a new
338 subsection (2) is added to that section, to read:



339 | 39.621 Permanency determination by the court.—

340 | (2) The permanency goal of maintaining and strengthening
341 | the placement with a parent may be used in the following
342 | circumstances:

343 | (a) If a child has not been removed from a parent, even if
344 | adjudication of dependency is withheld, the court may leave the
345 | child in the current placement with maintaining and
346 | strengthening the placement as a permanency option.

347 | (b) If a child has been removed from a parent and is
348 | placed with the parent from whom the child was not removed, the
349 | court may leave the child in the placement with the parent from
350 | whom the child was not removed with maintaining and
351 | strengthening the placement as a permanency option.

352 | (c) If a child has been removed from a parent and is
353 | subsequently reunified with that parent, the court may leave the
354 | child with that parent with maintaining and strengthening the
355 | placement as a permanency option.

356 | (3)~~(2)~~ Except as provided in subsection (2), the
357 | permanency goals available under this chapter, listed in order
358 | of preference, are:

359 | (a) Reunification;

360 | (b) Adoption, if a petition for termination of parental
361 | rights has been or will be filed;

362 | (c) Permanent guardianship of a dependent child under s.
363 | 39.6221;

364 | (d) Permanent placement with a fit and willing relative



365 | under s. 39.6231; or

366 | (e) Placement in another planned permanent living
367 | arrangement under s. 39.6241.

368 | Section 9. Paragraphs (a) and (d) of subsection (2) of
369 | section 39.701, Florida Statutes, are amended to read:

370 | 39.701 Judicial review.—

371 | (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
372 | AGE.—

373 | (a) Social study report for judicial review.—Before every
374 | judicial review hearing or citizen review panel hearing, the
375 | social service agency shall make an investigation and social
376 | study concerning all pertinent details relating to the child and
377 | shall furnish to the court or citizen review panel a written
378 | report that includes, but is not limited to:

379 | 1. A description of the type of placement the child is in
380 | at the time of the hearing, including the safety of the child,
381 | ~~and the continuing necessity for and appropriateness of the~~
382 | placement, and that the placement is the least restrictive and
383 | family-like setting available that meets the needs of the child,
384 | or an explanation as to why the placement is not the least
385 | restrictive and family-like setting available that meets the
386 | needs of the child.

387 | 2. Documentation of the diligent efforts made by all
388 | parties to the case plan to comply with each applicable
389 | provision of the plan.

390 | 3. The amount of fees assessed and collected during the



391 period of time being reported.

392 4. The services provided to the foster family or legal
393 custodian in an effort to address the needs of the child as
394 indicated in the case plan.

395 5. A statement that either:

396 a. The parent, though able to do so, did not comply
397 substantially with the case plan, and the agency
398 recommendations;

399 b. The parent did substantially comply with the case plan;
400 or

401 c. The parent has partially complied with the case plan,
402 with a summary of additional progress needed and the agency
403 recommendations.

404 6. A statement concerning whether the circumstances that
405 caused the out-of-home placement and issues subsequently
406 identified have been remedied to the extent that the return of
407 the child to the home with an in-home safety plan will not be
408 detrimental to the child's safety, well-being, and physical,
409 mental, and emotional health.

410 ~~7.6.~~ A statement from the foster parent or legal custodian
411 providing any material evidence concerning the return of the
412 child to the parent or parents.

413 ~~8.7.~~ A statement concerning the frequency, duration, and
414 results of the parent-child visitation, if any, and the agency
415 recommendations for an expansion or restriction of future
416 visitation.



417 9.8. The number of times a child has been removed from his
418 or her home and placed elsewhere, the number and types of
419 placements that have occurred, and the reason for the changes in
420 placement.

421 10.9. The number of times a child's educational placement
422 has been changed, the number and types of educational placements
423 which have occurred, and the reason for any change in placement.

424 11.10. If the child has reached 13 years of age but is not
425 yet 18 years of age, a statement from the caregiver on the
426 progress the child has made in acquiring independent living
427 skills.

428 12.11. Copies of all medical, psychological, and
429 educational records that support the terms of the case plan and
430 that have been produced concerning the parents or any caregiver
431 since the last judicial review hearing.

432 13.12. Copies of the child's current health, mental
433 health, and education records as identified in s. 39.6012.

434 (d) Orders.—

435 1. Based upon the criteria ~~set forth~~ in paragraph (c) and
436 the recommended order of the citizen review panel, if any, the
437 court shall determine whether ~~or not~~ the social service agency
438 shall initiate proceedings to have a child declared a dependent
439 child, return the child to the parent, continue the child in
440 out-of-home care for a specified period of time, or initiate
441 termination of parental rights proceedings for subsequent
442 placement in an adoptive home. Amendments to the case plan must



443 be prepared as prescribed in s. 39.6013. If the court finds that
444 remaining in the home with an in-home safety plan will not be
445 detrimental to the child's safety, well-being, and physical,
446 mental, and emotional health ~~the prevention or reunification~~
447 ~~efforts of the department will allow the child to remain safely~~
448 ~~at home or be safely returned to the home,~~ the court shall allow
449 the child to remain in ~~or return to~~ the home after ~~making a~~
450 ~~specific finding of fact that the reasons for the creation of~~
451 ~~the case plan have been remedied to the extent that the child's~~
452 ~~safety, well-being, and physical, mental, and emotional health~~
453 ~~will not be endangered.~~

454 2. The court shall return the child to the custody of the
455 parents at any time it determines that the circumstances that
456 caused the out-of-home placement and issues subsequently
457 identified have been remedied to the extent that the return of
458 the child to the home with an in-home safety plan ~~they have~~
459 ~~substantially complied with the case plan, if the court is~~
460 ~~satisfied that reunification~~ will not be detrimental to the
461 child's safety, well-being, and physical, mental, and emotional
462 health.

463 3. If, in the opinion of the court, the social service
464 agency has not complied with its obligations as specified in the
465 written case plan, the court may find the social service agency
466 in contempt, shall order the social service agency to submit its
467 plans for compliance with the agreement, and shall require the
468 social service agency to show why the child could not safely be



469 returned to the home of the parents.

470 4. If, at any judicial review, the court finds that the
471 parents have failed to substantially comply with the case plan
472 to the degree that further reunification efforts are without
473 merit and not in the best interest of the child, on its own
474 motion, the court may order the filing of a petition for
475 termination of parental rights, whether or not the time period
476 as contained in the case plan for substantial compliance has
477 expired.

478 5. Within 6 months after the date that the child was
479 placed in shelter care, the court shall conduct a judicial
480 review hearing to review the child's permanency goal as
481 identified in the case plan. At the hearing the court shall make
482 findings regarding the likelihood of the child's reunification
483 with the parent or legal custodian within 12 months after the
484 removal of the child from the home. If the court makes a written
485 finding that it is not likely that the child will be reunified
486 with the parent or legal custodian within 12 months after the
487 child was removed from the home, the department must file with
488 the court, and serve on all parties, a motion to amend the case
489 plan under s. 39.6013 and declare that it will use concurrent
490 planning for the case plan. The department must file the motion
491 within 10 business days after receiving the written finding of
492 the court. The department must attach the proposed amended case
493 plan to the motion. If concurrent planning is already being
494 used, the case plan must document the efforts the department is



495 taking to complete the concurrent goal.

496 6. The court may issue a protective order in assistance,
497 or as a condition, of any other order made under this part. In
498 addition to the requirements included in the case plan, the
499 protective order may set forth requirements relating to
500 reasonable conditions of behavior to be observed for a specified
501 period of time by a person or agency who is before the court;
502 and the order may require any person or agency to make periodic
503 reports to the court containing such information as the court in
504 its discretion may prescribe.

505 Section 10. Paragraph (a) of subsection (3) of section
506 409.1451, Florida Statutes, is amended to read:

507 409.1451 The Road-to-Independence Program.—

508 (3) AFTERCARE SERVICES.—

509 (a) Aftercare services are available to a young adult who
510 was living in licensed care on his or her 18th birthday, ~~has~~
511 ~~reached 18 years of age but~~ is not yet 23 years of age, and is:

512 1. Not in foster care.

513 2. Temporarily not receiving financial assistance under
514 subsection (2) to pursue postsecondary education.

515 Section 11. Paragraph (a) of subsection (3) of section
516 409.986, Florida Statutes, is amended to read:

517 409.986 Legislative findings and intent; child protection
518 and child welfare outcomes; definitions.—

519 (3) DEFINITIONS.—As used in this part, except as otherwise
520 provided, the term:



521 (a) "Care" means services of any kind which are designed
522 to facilitate a child remaining safely in his or her own home,
523 returning safely to his or her own home if he or she is removed
524 from the home, or obtaining an alternative permanent home if he
525 or she cannot remain at home or be returned home. The term
526 includes, but is not limited to, prevention, intervention,
527 diversion, and related services.

528 Section 12. Subsection (3) of section 409.988, Florida
529 Statutes, is amended to read:

530 409.988 Lead agency duties; general provisions.—

531 (3) SERVICES.—Lead agencies shall make available a
532 continuum of care, meaning a range of services, programs, and
533 placement options meeting the varied needs of children served
534 by, or at risk of being served by, the dependency system. Such
535 services may be provided by the lead agency or its
536 subcontractors, through referral to another organization, or
537 through other effective means. The department shall specify the
538 minimum services that must be available in a lead agency's
539 continuum of care through contract.

540 (a) A lead agency must provide dependent children with
541 services that are supported by research or that are recognized
542 as best practices in the child welfare field. The agency shall
543 give priority to the use of services that are evidence-based and
544 trauma-informed and may also provide other innovative services,
545 including, but not limited to, family-centered and cognitive-
546 behavioral interventions designed to mitigate out-of-home



547 placements.

548 (b) Intervention services shall be made available to a
549 child and the parent of a child who is unsafe but can, with
550 services, remain in his or her home, or a child who is placed
551 out-of-home and to the nonmaltreating parent or relative or
552 nonrelative caregivers with whom an unsafe child is placed.

553 Intervention services and supports include:

554 1. Safety management services provided to an unsafe child
555 as part of a safety plan which immediately and actively protects
556 the child from dangerous threats if the parent or other
557 caregiver cannot, including, but not limited to, behavior
558 management, crisis management, social connection, resource
559 support, and separation;

560 2. Treatment services provided to a parent or caregiver
561 that are used to achieve fundamental change in behavioral,
562 cognitive, and emotional functioning associated with the reason
563 that the child is unsafe, including, but not limited to,
564 parenting skills training, support groups, counseling, substance
565 abuse treatment, mental and behavioral health services, and
566 certified domestic violence center services for survivors of
567 domestic violence and their children, and batterers'
568 intervention programs that comply with s. 741.325 and other
569 intervention services for perpetrators of domestic violence.

570 3. Child well-being services provided to an unsafe child
571 that address a child's physical, emotional, developmental, and
572 educational needs, including, but not limited to, behavioral



573 health services, substance abuse treatment, tutoring,
574 counseling, and peer support; and

575 4. Services provided to nonmaltreating parents or relative
576 or nonrelative caregivers to stabilize the child's placement,
577 including, but not limited to, transportation, clothing,
578 household goods, assistance with housing and utility payments,
579 child care, respite care, and assistance connecting families
580 with other community-based services.

581 (c) The department or community-based care lead agency
582 that places children pursuant to this section shall establish
583 permanency teams dedicated to permanency for children placed in
584 residential group care. The permanency team shall convene a
585 multidisciplinary staffing every 180 calendar days, to coincide
586 with the judicial review, to reassess the appropriateness of the
587 child's current placement and services. At a minimum, the
588 staffing shall be attended by the community-based care lead
589 agency, the caseworker for the child, the guardian ad litem, any
590 other agency or provider of services for the child, and a
591 representative of the residential group care provider. The
592 multidisciplinary staffing shall consider, at a minimum, the
593 current level of the child's functioning, whether recommended
594 services are being provided effectively, any services that would
595 enable transition to a less restrictive family-like setting, and
596 diligent search efforts to find other permanent living
597 arrangements for the child.

598 (d)1. By January 1, 2017, the lead agencies shall develop



599 | plans for the management of out-of-home-care utilization for the
600 | children they serve to ensure that a sufficient number of
601 | quality placements exist so that each child may be placed in the
602 | most appropriate setting. The plans shall include strategies,
603 | action steps, timeframes, and performance measures. Strategies
604 | may include, but not be limited to, increased recruitment of
605 | family foster homes, including homes for children with specific
606 | or extraordinary needs for which an adequate supply of homes is
607 | lacking; increased use of in-home services which avoid removal;
608 | and policies and procedures for identifying the least
609 | restrictive, most appropriate placements for children and
610 | transitioning them into such placements; effective
611 | implementation of the foster home and residential group care
612 | quality rating system; and working with group homes to provide
613 | more specialized services to better meet the needs of specific
614 | groups of children. The Florida Institute for Child Welfare
615 | shall provide support and information as necessary to ensure
616 | that effective strategies are selected for inclusion in the
617 | plans. However, such strategies must ensure that residential
618 | group care placements be available, particularly in family-style
619 | homes and in high-quality shift care homes, for those children
620 | for whom it is the most appropriate placement. These plans shall
621 | be updated annually through January 1, 2022, and submitted to
622 | the department.

623 | 2. The department shall annually by October 1, beginning
624 | in 2017 and continuing through 2022, provide a report on lead



625 agencies' implementation of their plans to the Governor, the
626 President of the Senate, and the Speaker of the House of
627 Representatives.

628 (d) The department may adopt rules to implement this
629 section.

630 Section 13. Section 409.996, Florida Statutes, is amended,
631 to read:

632 409.996 Duties of the Department of Children and
633 Families.—The department shall contract for the delivery,
634 administration, or management of care for children in the child
635 protection and child welfare system. In doing so, the department
636 retains responsibility to ensure ~~for~~ the quality of contracted
637 services and programs and ~~shall ensure~~ that an adequate array of
638 services are available to be delivered in accordance with
639 applicable federal and state statutes and regulations.

640 (1) The department shall enter into contracts with lead
641 agencies for the performance of the duties by the lead agencies
642 pursuant to s. 409.988. At a minimum, the contracts must:

643 (a) Provide for the services needed to accomplish the
644 duties established in s. 409.988 and provide information to the
645 department which is necessary to meet the requirements for a
646 quality assurance program pursuant to subsection (18) and the
647 child welfare results-oriented accountability system pursuant to
648 s. 409.997.

649 (b) Provide for graduated penalties for failure to comply
650 with contract terms. Such penalties may include financial



651 penalties, enhanced monitoring and reporting, corrective action
652 plans, and early termination of contracts or other appropriate
653 action to ensure contract compliance. The financial penalties
654 shall require a lead agency to reallocate funds from
655 administrative costs to direct care for children.

656 (c) Ensure that the lead agency shall furnish current and
657 accurate information on its activities in all cases in client
658 case records in the state's statewide automated child welfare
659 information system.

660 (d) Specify the procedures to be used by the parties to
661 resolve differences in interpreting the contract or to resolve
662 disputes as to the adequacy of the parties' compliance with
663 their respective obligations under the contract.

664 (2) The department must adopt written policies and
665 procedures for monitoring the contract for delivery of services
666 by lead agencies which must be posted on the department's
667 website. These policies and procedures must, at a minimum,
668 address the evaluation of fiscal accountability and program
669 operations, including provider achievement of performance
670 standards, provider monitoring of subcontractors, and timely
671 followup of corrective actions for significant monitoring
672 findings related to providers and subcontractors. These policies
673 and procedures must also include provisions for reducing the
674 duplication of the department's program monitoring activities
675 both internally and with other agencies, to the extent possible.
676 The department's written procedures must ensure that the written



677 findings, conclusions, and recommendations from monitoring the
678 contract for services of lead agencies are communicated to the
679 director of the provider agency and the community alliance as
680 expeditiously as possible.

681 (3) The department shall receive federal and state funds
682 as appropriated for the operation of the child welfare system,
683 transmit these funds to the lead agencies as agreed to in the
684 contract, and provide information on its website of the
685 distribution of the federal funds. The department retains
686 responsibility for the appropriate spending of these funds. The
687 department shall monitor lead agencies to assess compliance with
688 the financial guidelines established pursuant to s. 409.992 and
689 other applicable state and federal laws.

690 (4) The department shall provide technical assistance and
691 consultation to lead agencies in the provision of care to
692 children in the child protection and child welfare system.

693 (5) The department retains the responsibility for the
694 review, approval or denial, and issuances of all foster home
695 licenses.

696 (6) The department shall process all applications
697 submitted by lead agencies for the Interstate Compact on the
698 Placement of Children and the Interstate Compact on Adoption and
699 Medical Assistance.

700 (7) The department shall assist lead agencies with access
701 to and coordination with other service programs within the
702 department.



703 (8) The department shall determine Medicaid eligibility
704 for all referred children and shall coordinate services with the
705 Agency for Health Care Administration.

706 (9) The department shall develop, in cooperation with the
707 lead agencies, a third-party credentialing entity approved
708 pursuant to s. 402.40(3), and the Florida Institute for Child
709 Welfare established pursuant to s. 1004.615, a standardized
710 competency-based curriculum for certification training for child
711 protection staff.

712 (10) The department shall maintain the statewide adoptions
713 website and provide information and training to the lead
714 agencies relating to the website.

715 (11) The department shall provide training and assistance
716 to lead agencies regarding the responsibility of lead agencies
717 relating to children receiving supplemental security income,
718 social security, railroad retirement, or veterans' benefits.

719 (12) With the assistance of a lead agency, the department
720 shall develop and implement statewide and local interagency
721 agreements needed to coordinate services for children and
722 parents involved in the child welfare system who are also
723 involved with the Agency for Persons with Disabilities, the
724 Department of Juvenile Justice, the Department of Education, the
725 Department of Health, and other governmental organizations that
726 share responsibilities for children or parents in the child
727 welfare system.

728 (13) With the assistance of a lead agency, the department



729 shall develop and implement a working agreement between the lead
730 agency and the substance abuse and mental health managing entity
731 to integrate services and supports for children and parents
732 serviced in the child welfare system.

733 (14) The department shall work with the Agency for Health
734 Care Administration to provide each Medicaid-eligible child with
735 early and periodic screening, diagnosis, and treatment,
736 including 72-hour screening, periodic child health checkups, and
737 prescribed followup for ordered services, including, but not
738 limited to, medical, dental, and vision care.

739 (15) The department shall assist lead agencies in
740 developing an array of services in compliance with the Title IV-
741 E waiver and shall monitor the provision of such services.

742 (16) The department shall provide a mechanism to allow
743 lead agencies to request a waiver of department policies and
744 procedures that create inefficiencies or inhibit the performance
745 of the lead agency's duties.

746 (17) The department shall directly or through contract
747 provide attorneys to prepare and present cases in dependency
748 court and shall ensure that the court is provided with adequate
749 information for informed decisionmaking in dependency cases,
750 including a face sheet for each case which lists the names and
751 contact information for any child protective investigator, child
752 protective investigation supervisor, case manager, and case
753 manager supervisor, and the regional department official
754 responsible for the lead agency contract. The department shall



755 provide to the court the case information and recommendations
756 provided by the lead agency or subcontractor. For the Sixth
757 Judicial Circuit, the department shall contract with the state
758 attorney for the provision of these services.

759 (18) The department, in consultation with lead agencies,
760 shall establish a quality assurance program for contracted
761 services to dependent children. The quality assurance program
762 shall be based on standards established by federal and state law
763 and national accrediting organizations.

764 (a) The department must evaluate each lead agency under
765 contract at least annually. These evaluations shall cover the
766 programmatic, operational, and fiscal operations of the lead
767 agency and must be consistent with the child welfare results-
768 oriented accountability system required by s. 409.997. The
769 department must consult with dependency judges in the circuit or
770 circuits served by the lead agency on the performance of the
771 lead agency.

772 (b) The department and each lead agency shall monitor out-
773 of-home placements, including the extent to which sibling groups
774 are placed together or provisions to provide visitation and
775 other contacts if siblings are separated. The data shall
776 identify reasons for sibling separation. Information related to
777 sibling placement shall be incorporated into the results-
778 oriented accountability system required pursuant to s. 409.997
779 and into the evaluation of the outcome specified in s.
780 409.986(2)(e). The information related to sibling placement



781 shall also be made available to the institute established
782 pursuant s. 1004.615 for use in assessing the performance of
783 child welfare services in relation to the outcome specified in
784 s. 409.986(2)(e).

785 (c) The department shall, to the extent possible, use
786 independent financial audits provided by the lead agency to
787 eliminate or reduce the ongoing contract and administrative
788 reviews conducted by the department. If the department
789 determines that such independent financial audits are
790 inadequate, other audits, as necessary, may be conducted by the
791 department. This paragraph does not abrogate the requirements of
792 s. 215.97.

793 (d) The department may suggest additional items to be
794 included in such independent financial audits to meet the
795 department's needs.

796 (e) The department may outsource programmatic,
797 administrative, or fiscal monitoring oversight of lead agencies.

798 (f) A lead agency must assure that all subcontractors are
799 subject to the same quality assurance activities as the lead
800 agency.

801 (19) The department and its attorneys have the
802 responsibility to ensure that the court is fully informed about
803 issues before it, to make recommendations to the court, and to
804 present competent evidence, including testimony by the
805 department's employees, contractors, and subcontractors, as well
806 as other individuals, to support all recommendations made to the



807 court. The department's attorneys shall coordinate lead agency
808 or subcontractor staff to ensure that dependency cases are
809 presented appropriately to the court, giving consideration to
810 the information developed by the case manager and direction to
811 the case manager if more information is needed.

812 (20) The department, in consultation with lead agencies,
813 shall develop a dispute resolution process so that disagreements
814 between legal staff, investigators, and case management staff
815 can be resolved in the best interest of the child in question
816 before court appearances regarding that child.

817 (21) The department shall periodically, and before
818 procuring a lead agency, solicit comments and recommendations
819 from the community alliance established in s. 20.19(5), any
820 other community groups, or public hearings. The recommendations
821 must include, but are not limited to:

822 (a) The current and past performance of a lead agency.

823 (b) The relationship between a lead agency and its
824 community partners.

825 (c) Any local conditions or service needs in child
826 protection and child welfare.

827 (22) By June 30, 2017, the department shall develop, in
828 collaboration with lead agencies, service providers, current and
829 former foster youth, and other community stakeholders, a
830 statewide quality rating system for providers of residential
831 group care and foster homes. This system must promote high
832 quality in services and accommodations by creating measureable



833 minimum quality standards that providers must meet to contract
834 with the lead agencies and foster homes must meet to receive
835 placements. Domains addressed by a quality rating system for
836 residential group care may include, but need not be limited to,
837 admissions, service planning and treatment planning, living
838 environment, and program and service requirements. The system
839 must be implemented by July 1, 2018.

840 (a) The rating system shall include:

841 1. Delineated levels of quality that are clearly and
842 concisely defined, the domains measured, and criteria that must
843 be met to be placed in each level. The quality rating system
844 shall differentiate between shift and family-style models while
845 encouraging a high level of quality in both;

846 2. The number of residential group care staff and foster
847 parents who have received child welfare services certification,
848 pursuant to s. 402.40, through certification programs developed
849 specifically for foster parents and residential group care
850 staff. Such certification programs shall be developed in
851 collaboration with, at a minimum, current and former foster
852 youth, foster parents, and residential group care providers;

853 3. Contractual incentives for achieving and maintaining
854 higher levels of quality; and

855 4. A well-defined process for notice, inspection,
856 remediation, appeal, and enforcement.

857 (b) The department shall submit a report to the Governor,
858 the President of the Senate, and the Speaker of the House of



859 Representatives by October 1 of each year, with the first report
860 due October 1, 2016. The report must at a minimum include an
861 update on the development of a statewide quality rating system
862 for residential group care and foster homes and a plan for
863 department oversight of the implementation of the statewide
864 quality rating system for residential group care and foster
865 homes by the community-based lead agencies. Beginning in 2018
866 and in subsequent years, the report shall also contain a list of
867 residential group care providers meeting minimum quality
868 standards and their quality ratings; the percentage of children
869 placed in residential group care with highly rated providers;
870 any negative actions taken against contracted providers for not
871 meeting minimum quality standards; percentages of highly rated
872 foster homes by lead agency; and percentage of children placed
873 in highly rated foster homes.

874 Section 14. Subsection (52) of section 39.01, Florida
875 Statutes, is amended to read:

876 39.01 Definitions.—When used in this chapter, unless the
877 context otherwise requires:

878 (52) "Permanency goal" means the living arrangement
879 identified for the child to return to or identified as the
880 permanent living arrangement of the child. ~~Permanency goals~~
881 ~~applicable under this chapter, listed in order of preference,~~
882 ~~are:~~

883 ~~(a) Reunification;~~

884 ~~(b) Adoption when a petition for termination of parental~~



885 ~~rights has been or will be filed;~~

886 ~~(c) Permanent guardianship of a dependent child under s.~~
887 ~~39.6221;~~

888 ~~(d) Permanent placement with a fit and willing relative~~
889 ~~under s. 39.6231; or~~

890 ~~(e) Placement in another planned permanent living~~
891 ~~arrangement under s. 39.6241.~~

892

893 The permanency goal is also the case plan goal. If concurrent
894 case planning is being used, reunification may be pursued at the
895 same time that another permanency goal is pursued.

896 Section 15. Paragraph (s) of subsection (2) of section
897 39.202, Florida Statutes, is amended to read:

898 39.202 Confidentiality of reports and records in cases of
899 child abuse or neglect.—

900 (2) Except as provided in subsection (4), access to such
901 records, excluding the name of the reporter which shall be
902 released only as provided in subsection (5), shall be granted
903 only to the following persons, officials, and agencies:

904 (s) Persons with whom the department is seeking to place
905 the child or to whom placement has been granted, including
906 foster parents for whom an approved home study has been
907 conducted, the designee of a licensed residential child-caring
908 agency defined in s. 409.175 ~~group home described in s. 39.523,~~
909 an approved relative or nonrelative with whom a child is placed
910 pursuant to s. 39.402, preadoptive parents for whom a favorable



911 preliminary adoptive home study has been conducted, adoptive
912 parents, or an adoption entity acting on behalf of preadoptive
913 or adoptive parents.

914 Section 16. Paragraph (a) of subsection (2) of section
915 39.5085, Florida Statutes, is amended to read:

916 39.5085 Relative Caregiver Program.—

917 (2) (a) The Department of Children and Families shall
918 establish and operate the Relative Caregiver Program pursuant to
919 eligibility guidelines established in this section as further
920 implemented by rule of the department. The Relative Caregiver
921 Program shall, within the limits of available funding, provide
922 financial assistance to:

923 1. Relatives who are within the fifth degree by blood or
924 marriage to the parent or stepparent of a child and who are
925 caring full-time for that dependent child in the role of
926 substitute parent as a result of a court's determination of
927 child abuse, neglect, or abandonment and subsequent placement
928 with the relative under this chapter.

929 2. Relatives who are within the fifth degree by blood or
930 marriage to the parent or stepparent of a child and who are
931 caring full-time for that dependent child, and a dependent half-
932 brother or half-sister of that dependent child, in the role of
933 substitute parent as a result of a court's determination of
934 child abuse, neglect, or abandonment and subsequent placement
935 with the relative under this chapter.

936 3. Nonrelatives who are willing to assume custody and care



937 of a dependent child in the role of substitute parent as a
938 result of a court's determination of child abuse, neglect, or
939 abandonment and subsequent placement with the nonrelative
940 caregiver under this chapter. The court must find that a
941 proposed placement under this subparagraph is in the best
942 interest of the child.

943
944 The placement may be court-ordered temporary legal custody to
945 the relative or nonrelative under protective supervision of the
946 department pursuant to s. 39.521(1)(c)3. ~~39.521(1)(b)3.~~, or
947 court-ordered placement in the home of a relative or nonrelative
948 as a permanency option under s. 39.6221 or s. 39.6231 or under
949 former s. 39.622 if the placement was made before July 1, 2006.
950 The Relative Caregiver Program shall offer financial assistance
951 to caregivers who would be unable to serve in that capacity
952 without the caregiver payment because of financial burden, thus
953 exposing the child to the trauma of placement in a shelter or in
954 foster care.

955 Section 17. Subsection (11) of section 1002.3305, Florida
956 Statutes, is amended to read:

957 1002.3305 College-Preparatory Boarding Academy Pilot
958 Program for at-risk students.—

959 (11) STUDENT HOUSING.—Notwithstanding s. 409.176 ~~ss.~~
960 ~~409.1677(3)(d) and 409.176~~ or any other provision of law, an
961 operator may house and educate dependent, at-risk youth in its
962 residential school for the purpose of facilitating the mission



963 of the program and encouraging innovative practices.
 964 Section 18. Section 39.523, Florida Statutes, is repealed.
 965 Section 19. Section 409.141, Florida Statutes, is
 966 repealed.
 967 Section 20. Section 409.1676, Florida Statutes, is
 968 repealed.
 969 Section 21. Section 409.1677, Florida Statutes, is
 970 repealed.
 971 Section 22. Section 409.1679, Florida Statutes, is
 972 repealed.
 973 Section 23. This act shall take effect July 1, 2016.