

By Senator Baxley

12-01102-19

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1                   A bill to be entitled  
2       An act relating to foster parents; creating s.  
3       39.4087, F.S.; establishing certain rights for foster  
4       parents; providing requirements for the Department of  
5       Children and Families relating to foster parents;  
6       specifying that child abuse, abandonment, or neglect  
7       investigations involving a foster parent must be  
8       conducted according to certain specifications;  
9       authorizing an accused foster parent to select a  
10      member of a local agency to advocate for the foster  
11      parent during such investigation; authorizing the  
12      foster parent to contact certain persons or the  
13      department when he or she believes there has been a  
14      violation of the act; requiring the department to  
15      review and respond to a foster parent's contact in  
16      order to resolve disputes; authorizing the department  
17      to request a background screening of a foster parent  
18      during certain emergency situations; prohibiting the  
19      placement of a child in, or requiring the immediate  
20      removal of a child from, a home if the foster parent  
21      refuses such screening; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

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25       Section 1. Section 39.4087, Florida Statutes, is created to  
26 read:

27       39.4087 Rights of foster parents; department requirements;  
28 background screenings during emergency situations.-

29       (1) A foster parent is entitled to certain rights,

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30 including, but not limited to, all of the following:

31 (a) The right to maintain his or her family values or  
32 routines without interruption.

33 (b) The right to timely and adequate payment for providing  
34 foster care services.

35 (c) The right to full disclosure of any medical,  
36 psychological, or behavioral issues of a child in his or her  
37 care.

38 (d) The right to submit factually based written statements  
39 to the court, as provided by law.

40 (e) The right to receive a traveling file for a child  
41 placed in his or her care and written copies of updated  
42 documents, including the treatment plan and any subsequent  
43 revisions to a document, on a timely basis.

44 (f) The right to intervene in a termination of parental  
45 rights proceeding, as provided by law.

46 (2) The department shall do all of the following:

47 (a) Treat a foster parent with dignity, respect, and trust.

48 (b) Provide a foster parent with a clear explanation of the  
49 role of the department and the role of the foster child's  
50 biological family as it relates to the delivery of child welfare  
51 services.

52 (c) Provide a foster parent with training and support for  
53 the purposes of improving skills in providing daily care and  
54 meeting any special needs of a foster child.

55 (d) Disclose to a foster parent any issues relating to a  
56 child which may jeopardize the health and safety of the foster  
57 parent or the foster parent's family or alter the manner in  
58 which the foster parent would normally provide foster care. The

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59 department must also disclose any delinquency or criminal record  
60 of the child and any instances where the child has been  
61 hospitalized due to mental or physical illness.

62 (e) Provide a means by which a foster parent may contact  
63 the department, 24 hours a day, 7 days a week, for the purposes  
64 of receiving assistance from the department.

65 (f) Provide a clear and written explanation to a foster  
66 parent of any plan concerning the placement of a child in the  
67 foster parent's home. If a plan was not developed before the  
68 placement, the department must provide a clear and written  
69 explanation to the foster parent once the plan is developed.

70 (g) Allow a foster parent to review information about a  
71 child and assist with the determination of whether the child  
72 should be placed with the foster parent. During an emergency  
73 situation that requires immediate care, the department must  
74 provide such information to the foster parent when it becomes  
75 available.

76 (h) Allow a foster parent to refuse placement or, upon  
77 reasonable notice to the department, to request the removal of a  
78 foster child from the foster parent's home, without retaliation,  
79 unless otherwise provided for by contract.

80 (i) Inform a foster parent of any decision made by a court  
81 or child care agency which concerns a child in the foster  
82 parent's care.

83 (j) Solicit and consider input from a foster parent on a  
84 foster child's case plan.

85 (k) Allow a foster parent to communicate with professionals  
86 who work with the foster child, including, but not limited to,  
87 therapists, physicians, and teachers.

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88       (l) Provide, in a timely manner, all information regarding  
89 a child and the child's family's background and health history.  
90 The department shall also provide any additional information  
91 known by the department which is relevant to the care of the  
92 child. A foster parent must maintain the confidentiality of any  
93 confidential information that is shared unless sharing it is  
94 necessary to promote or protect the health and welfare of the  
95 child.

96       (m) Give a foster parent at least 7 days' notice of any  
97 meeting or court hearing relating to a child in his or her care.  
98 The notice must include, but need not be limited to, the name of  
99 the judge or hearing officer, the location of the hearing, and  
100 the docket number. If the department is also providing such  
101 information to a child's biological parent, the foster parent  
102 must receive notice at the same time as the biological parent.  
103 The foster parent may attend such hearings.

104       (n) Upon request by a foster parent, provide information  
105 known to the department relating to a child's progress after the  
106 child has left the foster parent's home.

107       (o) Provide training to foster parents relating to  
108 obtaining support and understanding the rights and  
109 responsibilities of a foster parent.

110       (p) Consider a foster parent as the first choice for  
111 permanent placement of a child if the child was placed with the  
112 foster parent for at least 1 year.

113       (q) Consider a foster parent as a placement option if a  
114 child who was formerly placed with the foster parent re-enters  
115 foster care.

116       (r) Upon reasonable notice from a foster parent, and as

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117 determined by department rule, allow a foster parent a period of  
118 respite that is free from placement of foster children in the  
119 foster parent's home. The department must follow up with the  
120 foster parent a minimum of every two months during such period.

121 (s) Upon request, provide a foster parent with copies of  
122 all information relating to the foster parent in the  
123 department's records.

124 (t) Advise a foster parent of mediation services available  
125 to him or her by publishing information on such services in  
126 departmental policy manuals and on the department's website.

127 (u) No later than at the time the foster care contract is  
128 signed, inform the foster parent in writing of all information  
129 that is available to the department regarding any:

130 1. Pending petitions or adjudications of delinquency when  
131 the conduct constituting the delinquent act, if committed by an  
132 adult, would constitute murder in the first degree, murder in  
133 the second degree, rape, robbery, or kidnapping;

134 2. Behavioral issues that may affect the care and  
135 supervision of the child;

136 3. History of physical or sexual abuse;

137 4. Special medical or psychological needs of the child; and

138 5. Current infectious diseases the child has.

139 (3) Child abuse, abandonment, or neglect investigations  
140 involving a foster parent or parents shall be conducted pursuant  
141 to part III of this chapter. A foster parent under investigation  
142 may select a member of an appropriate local agency to act as an  
143 advocate for the foster parent. The advocate must be allowed to  
144 be present at all portions of the investigation where the  
145 accused foster parent is also present. The advocate must

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146 maintain the confidentiality of any confidential information  
147 received.

148 (4) (a) If a foster parent believes that the department, an  
149 employee of the department, an agency under contract with the  
150 department, or an employee of such agency has violated this  
151 section, and that the violation has harmed or could harm a child  
152 who is or was in the custody of the department or that the  
153 violation inhibited the foster parent's ability to meet the  
154 child's needs as set forth in the case plan, the foster parent  
155 may notify the child's case manager and the case manager must  
156 make every attempt to resolve the dispute.

157 (b) If a foster parent believes the dispute has not been  
158 adequately resolved by the case manager, the foster parent may  
159 contact the case manager's supervisor. If the contact is in  
160 writing, the foster parent may copy the department on the  
161 communication and the department shall maintain a record of any  
162 such communication received.

163 (c) If a foster parent believes that the case manager's  
164 supervisor did not adequately resolve the dispute, the foster  
165 parent may contact the department and the department must  
166 conduct a review and respond to the foster parent in writing no  
167 later than 30 days after being contacted.

168 (5) During an emergency situation that requires immediate  
169 placement, the department may request each adult in a foster  
170 home under consideration for placement to undergo a level 2  
171 background screening as described in s. 435.04. If such  
172 background screening request is refused, the child may not be  
173 placed in the home or, if already placed in the home, must be  
174 removed immediately.

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Section 2. This act shall take effect July 1, 2019.