

1 A bill to be entitled
2 An act relating to child welfare; amending s. 25.385,
3 F.S.; requiring the Florida Court Educational Council
4 to establish certain standards for instruction of
5 circuit and county court judges for dependency cases;
6 requiring the council to provide such instruction on a
7 periodic and timely basis; creating s. 39.01304, F.S.;
8 authorizing circuit courts to create early childhood
9 court programs; providing requirements for such
10 programs; requiring the Office of the State Courts
11 Administrator to contract with certain university-
12 based centers to evaluate the early childhood court
13 programs; authorizing the Office of the State Courts
14 Administrator to provide, or contract for the
15 provision of, certain training and assistance;
16 amending s. 39.0138, F.S.; requiring the Department of
17 Children and Families to complete certain records
18 checks within a specified timeframe; amending s.
19 39.301, F.S.; requiring the department to notify the
20 court of certain reports; authorizing the department
21 to file specified petitions under certain
22 circumstances; amending s. 39.522, F.S.; requiring the
23 court to consider specified factors when making
24 certain determinations; requiring a child's case plan
25 to be amended if the court changes the permanency

26 | goal; amending s. 39.6011, F.S.; revising and
27 | providing requirements for case plan descriptions;
28 | amending s. 39.701, F.S.; requiring the court to
29 | retain jurisdiction over a child under certain
30 | circumstances; requiring specified parties to disclose
31 | certain information to the court; providing for
32 | certain caregiver recommendations to the court;
33 | requiring the court and citizen review panel to
34 | determine whether certain parties have developed a
35 | productive relationship; amending s. 63.092, F.S.;
36 | requiring that certain preliminary home studies be
37 | completed within a specified timeframe; creating s.
38 | 63.093, F.S.; providing requirements and processes for
39 | the adoption of children from the child welfare
40 | system; providing applicability; creating s. 409.1415,
41 | F.S.; providing legislative findings and intent;
42 | requiring the department and community-based care lead
43 | agencies to develop and support relationships between
44 | caregivers and birth or legal parents of certain
45 | children; providing responsibilities for caregivers,
46 | birth or legal parents, the department, and community-
47 | based care lead agency staff; requiring employees of
48 | residential group homes to meet specified
49 | requirements; requiring the department to adopt rules;
50 | amending s. 409.145, F.S.; removing certain

51 responsibilities of caregivers, the department,
52 community-based care lead agency staff, and other
53 agency staff; removing requirements relating to
54 transitions, information sharing, and certain
55 caregivers; amending s. 409.175, F.S.; revising
56 requirements for the licensure of family foster homes;
57 requiring certain entities to complete a licensing
58 study within a specified timeframe; requiring the
59 department to issue determinations for family foster
60 home licenses within a specified timeframe; providing
61 an exception; amending s. 409.988, F.S.; authorizing a
62 lead agency to provide more than 35 percent of all
63 child welfare services under certain conditions;
64 requiring a specified local community alliance, or
65 specified representatives in certain circumstances, to
66 review and recommend approval or denial of the lead
67 agency's request for a specified exemption; amending
68 ss. 39.302, 39.6225, 393.065, and 409.1451, F.S.;

69 conforming cross-references to changes made by the
70 act; providing an effective date.

71
72 Be It Enacted by the Legislature of the State of Florida:

73
74 Section 1. Section 25.385, Florida Statutes, is amended to
75 read:

76 25.385 Standards for instruction of circuit and county
77 court judges ~~in handling domestic violence cases.~~

78 (1) The Florida Court Educational Council shall establish
79 standards for instruction of circuit and county court judges who
80 have responsibility for domestic violence cases, and the council
81 shall provide such instruction on a periodic and timely basis.

82 ~~(2) As used in this subsection, section:~~

83 ~~(a) the term "domestic violence" has the meaning set forth~~
84 ~~in s. 741.28.~~

85 ~~(b) "Family or household member" has the meaning set forth~~
86 ~~in s. 741.28.~~

87 (2) The Florida Court Educational Council shall establish
88 standards for instruction of circuit and county court judges who
89 have responsibility for dependency cases regarding the benefits
90 of a secure attachment with a primary caregiver, the importance
91 of a stable placement, and the impact of trauma on child
92 development. The council shall provide such instruction to the
93 circuit and county court judges handling dependency cases on a
94 periodic and timely basis.

95 Section 2. Section 39.01304, Florida Statutes, is created
96 to read:

97 39.01304 Early childhood court programs.

98 (1) A circuit court may create an early childhood court
99 program to serve the needs of infants and toddlers in dependency
100 court. If a circuit court creates an early childhood court

101 program, it may consider all of the following factors:

102 (a) The court supporting the therapeutic needs of the
103 parent and child in a nonadversarial manner.

104 (b) A multidisciplinary team made up of key community
105 stakeholders to work with the court to restructure the way the
106 community responds to the needs of abused or neglected children.

107 (c) A community coordinator to facilitate services and
108 resources for families, serve as a liaison between a
109 multidisciplinary team and the judiciary, and manage data
110 collection for program evaluation and accountability. The Office
111 of the State Courts Administrator may coordinate with each
112 participating circuit court to fill a community coordinator
113 position for the circuit's early childhood court program.

114 (d) A continuum of mental health services that includes
115 those that support the parent-child relationship and are
116 appropriate for the children and family served.

117 (2) The Office of the State Courts Administrator shall
118 contract with one or more university-based centers that have
119 expertise in infant and toddler mental health to ensure the
120 quality, accountability, and fidelity of a program's evidence-
121 based treatment. The Office of the State Courts Administrator
122 may provide, or contract for the provision of, training and
123 technical assistance related to program services, consultation
124 and guidance for difficult cases, and ongoing training for court
125 teams.

126 Section 3. Subsection (1) of section 39.0138, Florida
127 Statutes, is amended to read:

128 39.0138 Criminal history and other records checks; limit
129 on placement of a child.—

130 (1) The department shall conduct a records check through
131 the State Automated Child Welfare Information System (SACWIS)
132 and a local and statewide criminal history records check on all
133 persons, including parents, being considered by the department
134 for placement of a child under this chapter, including all
135 nonrelative placement decisions, and all members of the
136 household, 12 years of age and older, of the person being
137 considered. For purposes of this section, a criminal history
138 records check may include, but is not limited to, submission of
139 fingerprints to the Department of Law Enforcement for processing
140 and forwarding to the Federal Bureau of Investigation for state
141 and national criminal history information, and local criminal
142 records checks through local law enforcement agencies of all
143 household members 18 years of age and older and other visitors
144 to the home. An out-of-state criminal history records check must
145 be initiated for any person 18 years of age or older who resided
146 in another state if that state allows the release of such
147 records. The department must complete the records check within
148 14 business days after receiving a person's criminal history
149 results, unless additional information is required to complete
150 the processing. The department shall establish by rule standards

151 for evaluating any information contained in the automated system
152 relating to a person who must be screened for purposes of making
153 a placement decision.

154 Section 4. Subsection (1) and paragraph (a) of subsection
155 (9) of section 39.301, Florida Statutes, are amended to read:

156 39.301 Initiation of protective investigations.—

157 (1) (a) Upon receiving a report of known or suspected child
158 abuse, abandonment, or neglect, or that a child is in need of
159 supervision and care and has no parent, legal custodian, or
160 responsible adult relative immediately known and available to
161 provide supervision and care, the central abuse hotline shall
162 determine if the report requires an immediate onsite protective
163 investigation. For reports requiring an immediate onsite
164 protective investigation, the central abuse hotline shall
165 immediately notify the department's designated district staff
166 responsible for protective investigations to ensure that an
167 onsite investigation is promptly initiated. For reports not
168 requiring an immediate onsite protective investigation, the
169 central abuse hotline shall notify the department's designated
170 district staff responsible for protective investigations in
171 sufficient time to allow for an investigation. At the time of
172 notification, the central abuse hotline shall also provide
173 information to district staff on any previous report concerning
174 a subject of the present report or any pertinent information
175 relative to the present report or any noted earlier reports.

176 (b) The department shall promptly notify the court of any
177 report to the central abuse hotline that is accepted for a
178 protective investigation and involves a child over whom the
179 court has jurisdiction.

180 (9) (a) For each report received from the central abuse
181 hotline and accepted for investigation, the department or the
182 sheriff providing child protective investigative services under
183 s. 39.3065, shall perform the following child protective
184 investigation activities to determine child safety:

185 1. Conduct a review of all relevant, available information
186 specific to the child and family and alleged maltreatment;
187 family child welfare history; local, state, and federal criminal
188 records checks; and requests for law enforcement assistance
189 provided by the abuse hotline. Based on a review of available
190 information, including the allegations in the current report, a
191 determination shall be made as to whether immediate consultation
192 should occur with law enforcement, the Child Protection Team, a
193 domestic violence shelter or advocate, or a substance abuse or
194 mental health professional. Such consultations should include
195 discussion as to whether a joint response is necessary and
196 feasible. A determination shall be made as to whether the person
197 making the report should be contacted before the face-to-face
198 interviews with the child and family members.

199 2. Conduct face-to-face interviews with the child; other
200 siblings, if any; and the parents, legal custodians, or

201 caregivers.

202 3. Assess the child's residence, including a determination
203 of the composition of the family and household, including the
204 name, address, date of birth, social security number, sex, and
205 race of each child named in the report; any siblings or other
206 children in the same household or in the care of the same
207 adults; the parents, legal custodians, or caregivers; and any
208 other adults in the same household.

209 4. Determine whether there is any indication that any
210 child in the family or household has been abused, abandoned, or
211 neglected; the nature and extent of present or prior injuries,
212 abuse, or neglect, and any evidence thereof; and a determination
213 as to the person or persons apparently responsible for the
214 abuse, abandonment, or neglect, including the name, address,
215 date of birth, social security number, sex, and race of each
216 such person.

217 5. Complete assessment of immediate child safety for each
218 child based on available records, interviews, and observations
219 with all persons named in subparagraph 2. and appropriate
220 collateral contacts, which may include other professionals. The
221 department's child protection investigators are hereby
222 designated a criminal justice agency for the purpose of
223 accessing criminal justice information to be used for enforcing
224 this state's laws concerning the crimes of child abuse,
225 abandonment, and neglect. This information shall be used solely

226 | for purposes supporting the detection, apprehension,
227 | prosecution, pretrial release, posttrial release, or
228 | rehabilitation of criminal offenders or persons accused of the
229 | crimes of child abuse, abandonment, or neglect and may not be
230 | further disseminated or used for any other purpose.

231 | 6. Document the present and impending dangers to each
232 | child based on the identification of inadequate protective
233 | capacity through utilization of a standardized safety assessment
234 | instrument. If present or impending danger is identified, the
235 | child protective investigator must implement a safety plan or
236 | take the child into custody. If present danger is identified and
237 | the child is not removed, the child protective investigator
238 | shall create and implement a safety plan before leaving the home
239 | or the location where there is present danger. If impending
240 | danger is identified, the child protective investigator shall
241 | create and implement a safety plan as soon as necessary to
242 | protect the safety of the child. The child protective
243 | investigator may modify the safety plan if he or she identifies
244 | additional impending danger.

245 | a. If the child protective investigator implements a
246 | safety plan, the plan must be specific, sufficient, feasible,
247 | and sustainable in response to the realities of the present or
248 | impending danger. A safety plan may be an in-home plan or an
249 | out-of-home plan, or a combination of both. A safety plan may
250 | include tasks or responsibilities for a parent, caregiver, or

251 | legal custodian. However, a safety plan may not rely on
252 | promissory commitments by the parent, caregiver, or legal
253 | custodian who is currently not able to protect the child or on
254 | services that are not available or will not result in the safety
255 | of the child. A safety plan may not be implemented if for any
256 | reason the parents, guardian, or legal custodian lacks the
257 | capacity or ability to comply with the plan. If the department
258 | is not able to develop a plan that is specific, sufficient,
259 | feasible, and sustainable, the department shall file a shelter
260 | petition. A child protective investigator shall implement
261 | separate safety plans for the perpetrator of domestic violence,
262 | if the investigator, using reasonable efforts, can locate the
263 | perpetrator to implement a safety plan, and for the parent who
264 | is a victim of domestic violence as defined in s. 741.28.
265 | Reasonable efforts to locate a perpetrator include, but are not
266 | limited to, a diligent search pursuant to the same requirements
267 | as in s. 39.503. If the perpetrator of domestic violence is not
268 | the parent, guardian, or legal custodian of any child in the
269 | home and if the department does not intend to file a shelter
270 | petition or dependency petition that will assert allegations
271 | against the perpetrator as a parent of a child in the home, the
272 | child protective investigator shall seek issuance of an
273 | injunction authorized by s. 39.504 to implement a safety plan
274 | for the perpetrator and impose any other conditions to protect
275 | the child. The safety plan for the parent who is a victim of

276 domestic violence may not be shared with the perpetrator. If any
277 party to a safety plan fails to comply with the safety plan
278 resulting in the child being unsafe, the department shall file a
279 shelter petition.

280 b. The child protective investigator shall collaborate
281 with the community-based care lead agency in the development of
282 the safety plan as necessary to ensure that the safety plan is
283 specific, sufficient, feasible, and sustainable. The child
284 protective investigator shall identify services necessary for
285 the successful implementation of the safety plan. The child
286 protective investigator and the community-based care lead agency
287 shall mobilize service resources to assist all parties in
288 complying with the safety plan. The community-based care lead
289 agency shall prioritize safety plan services to families who
290 have multiple risk factors, including, but not limited to, two
291 or more of the following:

292 (I) The parent or legal custodian is of young age;

293 (II) The parent or legal custodian, or an adult currently
294 living in or frequently visiting the home, has a history of
295 substance abuse, mental illness, or domestic violence;

296 (III) The parent or legal custodian, or an adult currently
297 living in or frequently visiting the home, has been previously
298 found to have physically or sexually abused a child;

299 (IV) The parent or legal custodian or an adult currently
300 living in or frequently visiting the home has been the subject

301 of multiple allegations by reputable reports of abuse or
302 neglect;

303 (V) The child is physically or developmentally disabled;
304 or

305 (VI) The child is 3 years of age or younger.

306 c. The child protective investigator shall monitor the
307 implementation of the plan to ensure the child's safety until
308 the case is transferred to the lead agency at which time the
309 lead agency shall monitor the implementation.

310 d. The department may file a petition for shelter or
311 dependency without a new child protective investigation or the
312 concurrence of the child protective investigator if the child is
313 unsafe but for the use of a safety plan and the parent or
314 caregiver has not sufficiently increased protective capacities
315 within 90 days after the transfer of the safety plan to the lead
316 agency.

317 Section 5. Subsection (1) of section 39.522, Florida
318 Statutes, is amended, and subsection (4) is added to that
319 section, to read:

320 39.522 Postdisposition change of custody.—The court may
321 change the temporary legal custody or the conditions of
322 protective supervision at a postdisposition hearing, without the
323 necessity of another adjudicatory hearing.

324 (1)(a) At any time before a child is residing in the
325 permanent placement approved at the permanency hearing, a child

326 | who has been placed in the child's own home under the protective
327 | supervision of an authorized agent of the department, in the
328 | home of a relative, in the home of a legal custodian, or in some
329 | other place may be brought before the court by the department or
330 | by any other interested person, upon the filing of a motion
331 | alleging a need for a change in the conditions of protective
332 | supervision or the placement. If the parents or other legal
333 | custodians deny the need for a change, the court shall hear all
334 | parties in person or by counsel, or both. Upon the admission of
335 | a need for a change or after such hearing, the court shall enter
336 | an order changing the placement, modifying the conditions of
337 | protective supervision, or continuing the conditions of
338 | protective supervision as ordered. The standard for changing
339 | custody of the child shall be the best interests ~~interest~~ of the
340 | child. When determining whether a change of legal custody or
341 | placement is in ~~applying this standard, the court shall consider~~
342 | ~~the continuity of the child's placement in the same out-of-home~~
343 | ~~residence as a factor when determining~~ the best interests of the
344 | child, the court shall consider:

- 345 | 1. The child's age.
- 346 | 2. The physical, mental, and emotional health benefits to
347 | the child by remaining in his or her current placement or moving
348 | to the proposed placement.
- 349 | 3. The stability and longevity of the child's current
350 | placement.

351 4. The established bonded relationship between the child
352 and the current or proposed caregiver.

353 5. The reasonable preference of the child, if the court
354 has found that the child is of sufficient intelligence,
355 understanding, and experience to express a preference.

356 6. The recommendation of the child's current caregiver.

357 7. The recommendation of the child's guardian ad litem, if
358 one has been appointed.

359 8. The child's previous and current relationship with a
360 sibling, if the change of legal custody or placement will
361 separate or reunite siblings.

362 9. The likelihood of the child attaining permanency in the
363 current or proposed placement.

364 10. Any other relevant factors.

365 (b) If the child is not placed in foster care, ~~then~~ the
366 new placement for the child must meet the home study criteria
367 and court approval under ~~pursuant to~~ this chapter.

368 (4) In cases in which the issue before the court is
369 whether to place a child in out-of-home care after the child was
370 placed in the child's own home with an in-home safety plan or
371 the child was reunified with a parent or caregiver with an in-
372 home safety plan, the court must consider, at a minimum, the
373 following factors in making its determination whether to place
374 the child in out-of-home care:

375 (a) The circumstances that caused the child's dependency

376 and other subsequently identified issues.

377 (b) The length of time the child has been placed in the
 378 home with an in-home safety plan.

379 (c) The parent's or caregiver's current level of
 380 protective capacities.

381 (d) The level of increase, if any, in the parent's or
 382 caregiver's protective capacities since the child's placement in
 383 the home based on the length of time the child has been placed
 384 in the home.

385
 386 The court shall additionally evaluate the child's permanency
 387 goal and change the permanency goal as needed if doing so would
 388 be in the best interests of the child. If the court changes the
 389 permanency goal, the case plan must be amended pursuant to s.
 390 39.6013(5).

391 Section 6. Subsections (5) and (9) of section 39.6011,
 392 Florida Statutes, are amended to read:

393 39.6011 Case plan development.—

394 (5) The case plan must describe all of the following:

395 (a) The role of the foster parents or caregivers ~~legal~~
 396 ~~custodians~~ when developing the services that are to be provided
 397 to the child, foster parents, or caregivers. ~~legal custodians;~~

398 (b) The responsibility of the parents and caregivers to
 399 work together when it is safe to do so, which includes:

400 1. How the parents and caregivers will work together to

401 successfully implement the case plan.

402 2. How the case manager will assist the parents and
403 caregivers in developing a productive relationship that includes
404 meaningful communication and mutual support.

405 3. How the parents and caregivers may notify the court or
406 the case manager if ineffective communication takes place that
407 negatively impacts the child.

408 (c)-(b) The responsibility of the case manager to forward a
409 relative's request to receive notification of all proceedings
410 and hearings submitted under ~~pursuant to~~ s. 39.301(14)(b) to the
411 attorney for the department. ~~;~~

412 (d)-(e) The minimum number of face-to-face meetings to be
413 held each month between the parents and the case managers
414 ~~department's family services counselors~~ to review the progress
415 of the plan and the services provided to the child, to eliminate
416 barriers to progress, and to resolve conflicts or disagreements
417 between parents and caregivers, service providers, or any other
418 professionals assisting the parents in the completion of the
419 case plan. ~~;~~ ~~and~~

420 (e)-(d) The parent's responsibility for financial support
421 of the child, including, but not limited to, health insurance
422 and child support. The case plan must list the costs associated
423 with any services or treatment that the parent and child are
424 expected to receive which are the financial responsibility of
425 the parent. The determination of child support and other

426 financial support shall be made independently of any
 427 determination of indigency under s. 39.013.

428 (9) The case plan must describe a process for making
 429 available to all physical custodians and case managers ~~family~~
 430 ~~services counselors~~ the information required by s. 39.6012(2)
 431 and for ensuring that this information follows the child until
 432 permanency has been achieved.

433 Section 7. Paragraph (b) of subsection (1) and paragraphs
 434 (a) and (c) of subsection (2) of section 39.701, Florida
 435 Statutes, are amended to read:

436 39.701 Judicial review.—

437 (1) GENERAL PROVISIONS.—

438 (b)1. The court shall retain jurisdiction over a child
 439 returned to his or her parents for a minimum period of 6 months
 440 following the reunification, but, at that time, based on a
 441 report of the social service agency and the guardian ad litem,
 442 if one has been appointed, and any other relevant factors, the
 443 court shall make a determination as to whether supervision by
 444 the department and the court's jurisdiction shall continue or be
 445 terminated.

446 2. Notwithstanding subparagraph 1., the court must retain
 447 jurisdiction over a child if the child is placed in the home
 448 with a parent or caregiver with an in-home safety plan and such
 449 safety plan remains necessary for the child to reside safely in
 450 the home.

451 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
 452 AGE.—

453 (a) Social study report for judicial review.—Before every
 454 judicial review hearing or citizen review panel hearing, the
 455 social service agency shall make an investigation and social
 456 study concerning all pertinent details relating to the child and
 457 shall furnish to the court or citizen review panel a written
 458 report that includes, but is not limited to:

459 1. A description of the type of placement the child is in
 460 at the time of the hearing, including the safety of the child
 461 and the continuing necessity for and appropriateness of the
 462 placement.

463 2. Documentation of the diligent efforts made by all
 464 parties to the case plan to comply with each applicable
 465 provision of the plan.

466 3. The amount of fees assessed and collected during the
 467 period of time being reported.

468 4. The services provided to the foster family or caregiver
 469 ~~legal custodian~~ in an effort to address the needs of the child
 470 as indicated in the caseplan.

471 5. A statement that either:

472 a. The parent, though able to do so, did not comply
 473 substantially with the case plan, and the agency
 474 recommendations;

475 b. The parent did substantially comply with the case plan;

476 or

477 c. The parent has partially complied with the case plan,
478 with a summary of additional progress needed and the agency
479 recommendations.

480 6. A statement from the foster parent or caregiver ~~legal~~
481 ~~custodian~~ providing any material evidence concerning the well-
482 being of the child, the impact of any services provided to the
483 child, the working relationship between the parents and
484 caregivers, and the return of the child to the ~~parent or~~
485 parents.

486 7. A statement concerning the frequency, duration, and
487 results of the parent-child visitation, if any, and the agency
488 and caregiver recommendations for an expansion or restriction of
489 future visitation.

490 8. The number of times a child has been removed from his
491 or her home and placed elsewhere, the number and types of
492 placements that have occurred, and the reason for the changes in
493 placement.

494 9. The number of times a child's educational placement has
495 been changed, the number and types of educational placements
496 which have occurred, and the reason for any change in placement.

497 10. If the child has reached 13 years of age but is not
498 yet 18 years of age, a statement from the caregiver on the
499 progress the child has made in acquiring independent living
500 skills.

501 11. Copies of all medical, psychological, and educational
502 records that support the terms of the case plan and that have
503 been produced concerning the parents or any caregiver since the
504 last judicial review hearing.

505 12. Copies of the child's current health, mental health,
506 and education records as identified in s. 39.6012.

507 (c) Review determinations.—The court and any citizen
508 review panel shall take into consideration the information
509 contained in the social services study and investigation and all
510 medical, psychological, and educational records that support the
511 terms of the case plan; testimony by the social services agency,
512 the parent, the foster parent or caregiver ~~legal custodian~~, the
513 guardian ad litem or surrogate parent for educational
514 decisionmaking if one has been appointed for the child, and any
515 other person deemed appropriate; and any relevant and material
516 evidence submitted to the court, including written and oral
517 reports to the extent of their probative value. These reports
518 and evidence may be received by the court in its effort to
519 determine the action to be taken with regard to the child and
520 may be relied upon to the extent of their probative value, even
521 though not competent in an adjudicatory hearing. In its
522 deliberations, the court and any citizen review panel shall seek
523 to determine:

524 1. If the parent was advised of the right to receive
525 assistance from any person or social service agency in the

526 preparation of the case plan.

527 2. If the parent has been advised of the right to have
528 counsel present at the judicial review or citizen review
529 hearings. If not so advised, the court or citizen review panel
530 shall advise the parent of such right.

531 3. If a guardian ad litem needs to be appointed for the
532 child in a case in which a guardian ad litem has not previously
533 been appointed or if there is a need to continue a guardian ad
534 litem in a case in which a guardian ad litem has been appointed.

535 4. Who holds the rights to make educational decisions for
536 the child. If appropriate, the court may refer the child to the
537 district school superintendent for appointment of a surrogate
538 parent or may itself appoint a surrogate parent under the
539 Individuals with Disabilities Education Act and s. 39.0016.

540 5. The compliance or lack of compliance of all parties
541 with applicable items of the case plan, including the parents'
542 compliance with child support orders.

543 6. The compliance or lack of compliance with a visitation
544 contract between the parent and the social service agency for
545 contact with the child, including the frequency, duration, and
546 results of the parent-child visitation and the reason for any
547 noncompliance.

548 7. The frequency, kind, and duration of contacts among
549 siblings who have been separated during placement, as well as
550 any efforts undertaken to reunite separated siblings if doing so

551 is in the best interests ~~interest~~ of the child.

552 8. The compliance or lack of compliance of the parent in
553 meeting specified financial obligations pertaining to the care
554 of the child, including the reason for failure to comply, if
555 applicable.

556 9. Whether the child is receiving safe and proper care
557 according to s. 39.6012, including, but not limited to, the
558 appropriateness of the child's current placement, including
559 whether the child is in a setting that is as family-like and as
560 close to the parent's home as possible, consistent with the
561 child's best interests and special needs, and including
562 maintaining stability in the child's educational placement, as
563 documented by assurances from the community-based care lead
564 agency ~~provider~~ that:

565 a. The placement of the child takes into account the
566 appropriateness of the current educational setting and the
567 proximity to the school in which the child is enrolled at the
568 time of placement.

569 b. The community-based care lead agency has coordinated
570 with appropriate local educational agencies to ensure that the
571 child remains in the school in which the child is enrolled at
572 the time of placement.

573 10. A projected date likely for the child's return home or
574 other permanent placement.

575 11. When appropriate, the basis for the unwillingness or

576 inability of the parent to become a party to a case plan. The
577 court and the citizen review panel shall determine if the
578 efforts of the social service agency to secure party
579 participation in a case plan were sufficient.

580 12. For a child who has reached 13 years of age but is not
581 yet 18 years of age, the adequacy of the child's preparation for
582 adulthood and independent living. For a child who is 15 years of
583 age or older, the court shall determine if appropriate steps are
584 being taken for the child to obtain a driver license or
585 learner's driver license.

586 13. If amendments to the case plan are required.
587 Amendments to the case plan must be made under s. 39.6013.

588 14. If the parents and caregivers have developed a
589 productive relationship that includes meaningful communication
590 and mutual support.

591 Section 8. Subsection (3) of section 63.092, Florida
592 Statutes, is amended to read:

593 63.092 Report to the court of intended placement by an
594 adoption entity; at-risk placement; preliminary study.—

595 (3) PRELIMINARY HOME STUDY.—Before placing the minor in
596 the intended adoptive home, a preliminary home study must be
597 performed by a licensed child-placing agency, a child-caring
598 agency registered under s. 409.176, a licensed professional, or
599 an agency described in s. 61.20(2), unless the adoptee is an
600 adult or the petitioner is a stepparent or a relative. If the

601 adoptee is an adult or the petitioner is a stepparent or a
602 relative, a preliminary home study may be required by the court
603 for good cause shown. The department is required to perform the
604 preliminary home study only if there is no licensed child-
605 placing agency, child-caring agency registered under s. 409.176,
606 licensed professional, or agency described in s. 61.20(2), in
607 the county where the prospective adoptive parents reside. The
608 preliminary home study must be made to determine the suitability
609 of the intended adoptive parents and may be completed before
610 ~~prior to~~ identification of a prospective adoptive minor. If the
611 identified prospective adoptive minor is in the custody of the
612 department, a preliminary home study must be completed within 30
613 days after it is initiated. A favorable preliminary home study
614 is valid for 1 year after the date of its completion. Upon its
615 completion, a signed copy of the home study must be provided to
616 the intended adoptive parents who were the subject of the home
617 study. A minor may not be placed in an intended adoptive home
618 before a favorable preliminary home study is completed unless
619 the adoptive home is also a licensed foster home under s.
620 409.175. The preliminary home study must include, at a minimum:
621 (a) An interview with the intended adoptive parents.†
622 (b) Records checks of the department's central abuse
623 registry, which the department shall provide to the entity
624 conducting the preliminary home study, and criminal records
625 correspondence checks under s. 39.0138 through the Department of

626 Law Enforcement on the intended adoptive parents.†

627 (c) An assessment of the physical environment of the
628 home.†

629 (d) A determination of the financial security of the
630 intended adoptive parents.†

631 (e) Documentation of counseling and education of the
632 intended adoptive parents on adoptive parenting, as determined
633 by the entity conducting the preliminary home study. The
634 training specified in s. 409.175(14) shall only be required for
635 persons who adopt children from the department.†

636 (f) Documentation that information on adoption and the
637 adoption process has been provided to the intended adoptive
638 parents.†

639 (g) Documentation that information on support services
640 available in the community has been provided to the intended
641 adoptive parents.†~~and~~

642 (h) A copy of each signed acknowledgment of receipt of
643 disclosure required by s. 63.085.

644
645 If the preliminary home study is favorable, a minor may be
646 placed in the home pending entry of the judgment of adoption. A
647 minor may not be placed in the home if the preliminary home
648 study is unfavorable. If the preliminary home study is
649 unfavorable, the adoption entity may, within 20 days after
650 receipt of a copy of the written recommendation, petition the

651 court to determine the suitability of the intended adoptive
652 home. A determination as to suitability under this subsection
653 does not act as a presumption of suitability at the final
654 hearing. In determining the suitability of the intended adoptive
655 home, the court must consider the totality of the circumstances
656 in the home. A minor may not be placed in a home in which there
657 resides any person determined by the court to be a sexual
658 predator as defined in s. 775.21 or to have been convicted of an
659 offense listed in s. 63.089(4)(b)2.

660 Section 9. Section 63.093, Florida Statutes, is created to
661 read:

662 63.093 Adoption of children from the child welfare
663 system.—

664 (1) The department or community-based care lead agency as
665 defined in s. 409.986(3), or its subcontracted agency, must
666 respond to an initial inquiry from a prospective adoptive parent
667 within 7 business days after receipt of the inquiry. The
668 response must inform the prospective adoptive parent of the
669 adoption process and the requirements for adopting a child from
670 the child welfare system.

671 (2) The department or community-based care lead agency, or
672 its subcontracted agency, must refer a prospective adoptive
673 parent who is interested in adopting a child in the custody of
674 the department to a department-approved adoptive parent training
675 program. A prospective adoptive parent must successfully

676 complete the training program, unless the prospective adoptive
677 parent is a licensed foster parent or a relative or nonrelative
678 caregiver who has:

679 (a) Attended the training program within the last 5 years;

680 or

681 (b) Had the child who is available for adoption placed in
682 their home for 6 months or longer and has been determined to
683 understand the challenges and parenting skills needed to
684 successfully parent the child who is available for adoption.

685 (3) A prospective adoptive parent must complete an
686 adoption application created by the department.

687 (4) Before a child is placed in an adoptive home, the
688 community-based care lead agency or its subcontracted agency
689 must complete an adoptive home study of a prospective adoptive
690 parent that includes observation, screening, and evaluation of
691 the child and the prospective adoptive parent. An adoptive home
692 study is valid for 12 months after the date on which the study
693 was approved. In addition, the community-based care lead agency
694 or its subcontracted agency must complete a preparation process,
695 as established by department rule, with the prospective adoptive
696 parent.

697 (5) At the conclusion of the adoptive home study and
698 preparation process, a decision shall be made about the
699 prospective adoptive parent's appropriateness to adopt. This
700 decision shall be reflected in the final recommendation included

701 in the adoptive home study. If the recommendation is for
702 approval, the adoptive parent application file must be submitted
703 to the community-based care lead agency or its subcontracted
704 agency for approval. The community-based care lead agency or its
705 subcontracted agency must approve or deny the home study within
706 14 business days after receipt of the recommendation.

707
708 Notwithstanding subsections (1) and (2), this section does not
709 apply to a child adopted through the process provided in s.
710 63.082(6).

711 Section 10. Section 409.1415, Florida Statutes, is created
712 to read:

713 409.1415 Parenting partnerships for children in out-of-
714 home care.-

715 (1) LEGISLATIVE FINDINGS AND INTENT.-

716 (a) The Legislature finds that reunification is the most
717 common outcome for children in out-of-home care and that
718 caregivers are one of the most important resources to help
719 children reunify with their families.

720 (b) The Legislature further finds that the most successful
721 caregivers understand that their role goes beyond supporting the
722 children in their care to supporting the children's families, as
723 a whole, and that children and their families benefit when
724 caregivers and birth or legal parents are supported by an agency

725 culture that encourages a meaningful partnership between them
726 and provides quality support.

727 (c) Therefore, in keeping with national trends, it is the
728 intent of the Legislature to bring caregivers and birth or legal
729 parents together in order to build strong relationships that
730 lead to more successful reunifications and more stability for
731 children being fostered in out-of-home care.

732 (2) PARENTING PARTNERSHIPS.—

733 (a) In order to ensure that children in out-of-home care
734 achieve legal permanency as soon as possible, to reduce the
735 likelihood that they will reenter care or that other children in
736 the family are abused or neglected or enter out-of-home care,
737 and to ensure that families are fully prepared to resume custody
738 of their children, the department and community-based care lead
739 agencies shall develop and support relationships between
740 caregivers and birth or legal parents of children in out-of-home
741 care, to the extent that it is safe and in the child's best
742 interest, by:

743 1. Facilitating telephone communication between the
744 caregiver and the birth or legal parent as soon as possible
745 after the child is placed in the home of the caregiver.

746 2. Facilitating and attending an in-person meeting between
747 the caregiver and the birth or legal parent as soon as possible
748 after the child is placed in the home of the caregiver.

749 3. Developing and supporting a plan for the birth or legal
750 parent to participate in medical appointments, educational and
751 extracurricular activities, and other events involving the
752 child.

753 4. Facilitating participation by the caregiver in
754 visitation between the birth or legal parent and the child.

755 5. Involving the caregiver in planning meetings with the
756 birth or legal parent.

757 6. Developing and implementing effective transition plans
758 for the child's return home or placement in any other living
759 environment.

760 7. Supporting continued contact between the caregiver and
761 the child after the child returns home or moves to another
762 permanent living arrangement.

763 (b) To ensure that a child in out-of-home care receives
764 support for healthy development which gives the child the best
765 possible opportunity for success, caregivers, birth or legal
766 parents, the department, and the community-based care lead
767 agency shall work cooperatively in a respectful partnership by
768 adhering to the following requirements:

769 1. All members of the partnership must interact and
770 communicate professionally with one another, must share all
771 relevant information promptly, and must respect the
772 confidentiality of all information related to the child and his
773 or her family.

774 2. The caregiver, the birth or legal parent, the child, if
775 appropriate, the department, and the community-based care lead
776 agency must participate in developing a case plan for the child
777 and the birth or legal parent. All members of the team must work
778 together to implement the case plan. The caregiver must have the
779 opportunity to participate in all team meetings or court
780 hearings related to the child's care and future plans. The
781 department and community-based care lead agency must support and
782 facilitate caregiver participation through timely notification
783 of such meetings and hearings and provide alternative methods
784 for participation for a caregiver who cannot be physically
785 present at a meeting or hearing.

786 3. A caregiver must strive to provide, and the department
787 and community-based care lead agency must support, excellent
788 parenting, which includes:

789 a. A loving commitment to the child and the child's safety
790 and well-being.

791 b. Appropriate supervision and positive methods of
792 discipline.

793 c. Encouragement of the child's strengths.

794 d. Respect for the child's individuality and likes and
795 dislikes.

796 e. Providing opportunities to develop the child's
797 interests and skills.

798 f. Being aware of the impact of trauma on behavior.

799 g. Facilitating equal participation of the child in family
800 life.

801 h. Involving the child within his or her community.

802 i. A commitment to enable the child to lead a normal life.

803 4. A child in out-of-home care must be placed with a
804 caregiver who has the ability to care for the child, is willing
805 to accept responsibility for providing care, and is willing and
806 able to learn about and be respectful of the child's culture,
807 religion, and ethnicity; special physical or psychological
808 needs; circumstances unique to the child; and family
809 relationships. The department, the community-based care lead
810 agency, and other agencies must provide a caregiver with all
811 available information necessary to assist the caregiver in
812 determining whether he or she is able to appropriately care for
813 a particular child.

814 5. A caregiver must have access to and take advantage of
815 all training that he or she needs to improve his or her skills
816 in parenting a child who has experienced trauma due to neglect,
817 abuse, or separation from home; to meet the child's special
818 needs; and to work effectively with child welfare agencies, the
819 courts, the schools, and other community and governmental
820 agencies.

821 6. The department and community-based care lead agency
822 must provide a caregiver with the services and support they need
823 to enable them to provide quality care for the child.

824 7. Once a caregiver accepts the responsibility of caring
825 for a child, the child may be removed from the home of the
826 caregiver only if:

827 a. The caregiver is clearly unable to safely or legally
828 care for the child;

829 b. The child and the birth or legal parent are reunified;

830 c. The child is being placed in a legally permanent home
831 in accordance with a case plan or court order; or

832 d. The removal is demonstrably in the best interests of
833 the child.

834 8. If a child must leave the caregiver's home for one of
835 the reasons stated in subparagraph 7., and in the absence of an
836 unforeseeable emergency, the transition must be accomplished
837 according to a plan that involves cooperation and sharing of
838 information among all persons involved, respects the child's
839 developmental stage and psychological needs, ensures the child
840 has all of his or her belongings, allows for a gradual
841 transition from the caregiver's home, and, if possible, allows
842 for continued contact with the caregiver after the child leaves.

843 9. When the case plan for a child includes reunification,
844 the caregiver, the department, and the community-based care lead
845 agency must work together to assist the birth or legal parent in
846 improving his or her ability to care for and protect the child
847 and to provide continuity for the child.

848 10. A caregiver must respect and support the child's ties
849 to his or her birth or legal family, including parents,
850 siblings, and extended family members, and must assist the child
851 in maintaining allowable visitation and other forms of
852 communication. The department and community-based care lead
853 agency must provide a caregiver with the information, guidance,
854 training, and support necessary for fulfilling this
855 responsibility.

856 11. A caregiver must work in partnership with the
857 department and community-based care lead agency to obtain and
858 maintain records that are important to the child's well-being
859 including, but not limited to, child resource records, medical
860 records, school records, photographs, and records of special
861 events and achievements.

862 12. A caregiver must advocate for a child in his or her
863 care with the child welfare system, the court, and community
864 agencies, including schools, child care providers, health and
865 mental health providers, and employers. The department and
866 community-based care lead agency must support a caregiver in
867 advocating for a child and may not retaliate against the
868 caregiver as a result of this advocacy.

869 13. A caregiver must be as fully involved in the child's
870 medical, psychological, and dental care as he or she would be
871 for his or her biological child. The department and community-
872 based care lead agency must support and facilitate such

873 participation. The caregiver, the department, and the community-
874 based care lead agency must share information with each other
875 about the child's health and well-being.

876 14. A caregiver must support a child's school success,
877 including, when possible, maintaining school stability by
878 participating in school activities and meetings. The department
879 and community-based care lead agency must facilitate this
880 participation and be informed of the child's progress and needs.

881 15. A caregiver must ensure that a child in his or her
882 care who is between 13 and 17 years of age learns and masters
883 independent living skills.

884 16. The case manager and case manager supervisor must
885 mediate disagreements that occur between a caregiver and the
886 birth or legal parent.

887 (c) An employee of a residential group home must meet the
888 background screening requirements under s. 39.0138 and the level
889 2 screening standards for screening under chapter 435. An
890 employee of a residential group home who works directly with a
891 child as a caregiver must meet, at a minimum, the same
892 education, training, background, and other screening
893 requirements as caregivers in family foster homes licensed as
894 level II under s. 409.175(5).

895 (3) RULEMAKING.—The department shall adopt rules necessary
896 to administer this section.

897 Section 11. Section 409.145, Florida Statutes, is amended

898 to read:

899 409.145 Care of children; ~~quality parenting~~; "reasonable
900 and prudent parent" standard.—The child welfare system of the
901 department shall operate as a coordinated community-based system
902 of care which empowers all caregivers for children in foster
903 care to provide quality parenting, including approving or
904 disapproving a child's participation in activities based on the
905 caregiver's assessment using the "reasonable and prudent parent"
906 standard.

907 (1) SYSTEM OF CARE.—The department shall develop,
908 implement, and administer a coordinated community-based system
909 of care for children who are found to be dependent and their
910 families. This system of care must be directed toward the
911 following goals:

912 (a) Prevention of separation of children from their
913 families.

914 (b) Intervention to allow children to remain safely in
915 their own homes.

916 (c) Reunification of families who have had children
917 removed from their care.

918 (d) Safety for children who are separated from their
919 families by providing alternative emergency or longer-term
920 parenting arrangements.

921 (e) Focus on the well-being of children through emphasis
922 on maintaining educational stability and providing timely health

923 care.

924 (f) Permanency for children for whom reunification with
925 their families is not possible or is not in the best interest of
926 the child.

927 (g) The transition to independence and self-sufficiency
928 for older children who remain in foster care through
929 adolescence.

930 ~~(2) QUALITY PARENTING. A child in foster care shall be~~
931 ~~placed only with a caregiver who has the ability to care for the~~
932 ~~child, is willing to accept responsibility for providing care,~~
933 ~~and is willing and able to learn about and be respectful of the~~
934 ~~child's culture, religion and ethnicity, special physical or~~
935 ~~psychological needs, any circumstances unique to the child, and~~
936 ~~family relationships. The department, the community-based care~~
937 ~~lead agency, and other agencies shall provide such caregiver~~
938 ~~with all available information necessary to assist the caregiver~~
939 ~~in determining whether he or she is able to appropriately care~~
940 ~~for a particular child.~~

941 ~~(a) Roles and responsibilities of caregivers. A caregiver~~
942 ~~shall:~~

943 ~~1. Participate in developing the case plan for the child~~
944 ~~and his or her family and work with others involved in his or~~
945 ~~her care to implement this plan. This participation includes the~~
946 ~~caregiver's involvement in all team meetings or court hearings~~
947 ~~related to the child's care.~~

948 ~~2. Complete all training needed to improve skills in~~
949 ~~parenting a child who has experienced trauma due to neglect,~~
950 ~~abuse, or separation from home, to meet the child's special~~
951 ~~needs, and to work effectively with child welfare agencies, the~~
952 ~~court, the schools, and other community and governmental~~
953 ~~agencies.~~

954 ~~3. Respect and support the child's ties to members of his~~
955 ~~or her biological family and assist the child in maintaining~~
956 ~~allowable visitation and other forms of communication.~~

957 ~~4. Effectively advocate for the child in the caregiver's~~
958 ~~care with the child welfare system, the court, and community~~
959 ~~agencies, including the school, child care, health and mental~~
960 ~~health providers, and employers.~~

961 ~~5. Participate fully in the child's medical,~~
962 ~~psychological, and dental care as the caregiver would for his or~~
963 ~~her biological child.~~

964 ~~6. Support the child's educational success by~~
965 ~~participating in activities and meetings associated with the~~
966 ~~child's school or other educational setting, including~~
967 ~~Individual Education Plan meetings and meetings with an~~
968 ~~educational surrogate if one has been appointed, assisting with~~
969 ~~assignments, supporting tutoring programs, and encouraging the~~
970 ~~child's participation in extracurricular activities.~~

971 ~~a. Maintaining educational stability for a child while in~~
972 ~~out-of-home care by allowing the child to remain in the school~~

973 ~~or educational setting that he or she attended before entry into~~
974 ~~out-of-home care is the first priority, unless not in the best~~
975 ~~interest of the child.~~

976 ~~b. If it is not in the best interest of the child to~~
977 ~~remain in his or her school or educational setting upon entry~~
978 ~~into out-of-home care, the caregiver must work with the case~~
979 ~~manager, guardian ad litem, teachers and guidance counselors,~~
980 ~~and educational surrogate if one has been appointed to determine~~
981 ~~the best educational setting for the child. Such setting may~~
982 ~~include a public school that is not the school of origin, a~~
983 ~~private school pursuant to s. 1002.42, a virtual instruction~~
984 ~~program pursuant to s. 1002.45, or a home education program~~
985 ~~pursuant to s. 1002.41.~~

986 ~~7. Work in partnership with other stakeholders to obtain~~
987 ~~and maintain records that are important to the child's well-~~
988 ~~being, including child resource records, medical records, school~~
989 ~~records, photographs, and records of special events and~~
990 ~~achievements.~~

991 ~~8. Ensure that the child in the caregiver's care who is~~
992 ~~between 13 and 17 years of age learns and masters independent~~
993 ~~living skills.~~

994 ~~9. Ensure that the child in the caregiver's care is aware~~
995 ~~of the requirements and benefits of the Road to Independence~~
996 ~~Program.~~

997 ~~10. Work to enable the child in the caregiver's care to~~

998 ~~establish and maintain naturally occurring mentoring~~
999 ~~relationships.~~

1000 ~~(b) Roles and responsibilities of the department, the~~
1001 ~~community-based care lead agency, and other agency staff. The~~
1002 ~~department, the community-based care lead agency, and other~~
1003 ~~agency staff shall:~~

1004 ~~1. Include a caregiver in the development and~~
1005 ~~implementation of the case plan for the child and his or her~~
1006 ~~family. The caregiver shall be authorized to participate in all~~
1007 ~~team meetings or court hearings related to the child's care and~~
1008 ~~future plans. The caregiver's participation shall be facilitated~~
1009 ~~through timely notification, an inclusive process, and~~
1010 ~~alternative methods for participation for a caregiver who cannot~~
1011 ~~be physically present.~~

1012 ~~2. Develop and make available to the caregiver the~~
1013 ~~information, services, training, and support that the caregiver~~
1014 ~~needs to improve his or her skills in parenting children who~~
1015 ~~have experienced trauma due to neglect, abuse, or separation~~
1016 ~~from home, to meet these children's special needs, and to~~
1017 ~~advocate effectively with child welfare agencies, the courts,~~
1018 ~~schools, and other community and governmental agencies.~~

1019 ~~3. Provide the caregiver with all information related to~~
1020 ~~services and other benefits that are available to the child.~~

1021 ~~4. Show no prejudice against a caregiver who desires to~~
1022 ~~educate at home a child placed in his or her home through the~~

1023 ~~child welfare system.~~

1024 ~~(c) Transitions.~~

1025 ~~1. Once a caregiver accepts the responsibility of caring~~

1026 ~~for a child, the child will be removed from the home of that~~

1027 ~~caregiver only if:~~

1028 ~~a. The caregiver is clearly unable to safely or legally~~

1029 ~~care for the child;~~

1030 ~~b. The child and his or her biological family are~~

1031 ~~reunified;~~

1032 ~~c. The child is being placed in a legally permanent home~~

1033 ~~pursuant to the case plan or a court order; or~~

1034 ~~d. The removal is demonstrably in the child's best~~

1035 ~~interest.~~

1036 ~~2. In the absence of an emergency, if a child leaves the~~

1037 ~~caregiver's home for a reason provided under subparagraph 1.,~~

1038 ~~the transition must be accomplished according to a plan that~~

1039 ~~involves cooperation and sharing of information among all~~

1040 ~~persons involved, respects the child's developmental stage and~~

1041 ~~psychological needs, ensures the child has all of his or her~~

1042 ~~belongings, allows for a gradual transition from the caregiver's~~

1043 ~~home and, if possible, for continued contact with the caregiver~~

1044 ~~after the child leaves.~~

1045 ~~(d) Information sharing. Whenever a foster home or~~

1046 ~~residential group home assumes responsibility for the care of a~~

1047 ~~child, the department and any additional providers shall make~~

1048 ~~available to the caregiver as soon as is practicable all~~
1049 ~~relevant information concerning the child. Records and~~
1050 ~~information that are required to be shared with caregivers~~
1051 ~~include, but are not limited to:~~

- 1052 ~~1. Medical, dental, psychological, psychiatric, and~~
1053 ~~behavioral history, as well as ongoing evaluation or treatment~~
1054 ~~needs;~~
- 1055 ~~2. School records;~~
- 1056 ~~3. Copies of his or her birth certificate and, if~~
1057 ~~appropriate, immigration status documents;~~
- 1058 ~~4. Consents signed by parents;~~
- 1059 ~~5. Comprehensive behavioral assessments and other social~~
1060 ~~assessments;~~
- 1061 ~~6. Court orders;~~
- 1062 ~~7. Visitation and case plans;~~
- 1063 ~~8. Guardian ad litem reports;~~
- 1064 ~~9. Staffing forms; and~~
- 1065 ~~10. Judicial or citizen review panel reports and~~
1066 ~~attachments filed with the court, except confidential medical,~~
1067 ~~psychiatric, and psychological information regarding any party~~
1068 ~~or participant other than the child.~~

1069 ~~(c) Caregivers employed by residential group homes. All~~
1070 ~~caregivers in residential group homes shall meet the same~~
1071 ~~education, training, and background and other screening~~
1072 ~~requirements as foster parents.~~

1073 | (2)~~(3)~~ REASONABLE AND PRUDENT PARENT STANDARD.—

1074 | (a) Definitions.—As used in this subsection, the term:

1075 | 1. "Age-appropriate" means an activity or item that is

1076 | generally accepted as suitable for a child of the same

1077 | chronological age or level of maturity. Age appropriateness is

1078 | based on the development of cognitive, emotional, physical, and

1079 | behavioral capacity which is typical for an age or age group.

1080 | 2. "Caregiver" means a person with whom the child is

1081 | placed in out-of-home care, or a designated official for a group

1082 | care facility licensed by the department under s. 409.175.

1083 | 3. "Reasonable and prudent parent" standard means the

1084 | standard of care used by a caregiver in determining whether to

1085 | allow a child in his or her care to participate in

1086 | extracurricular, enrichment, and social activities. This

1087 | standard is characterized by careful and thoughtful parental

1088 | decisionmaking that is intended to maintain a child's health,

1089 | safety, and best interest while encouraging the child's

1090 | emotional and developmental growth.

1091 | (b) Application of standard of care.—

1092 | 1. Every child who comes into out-of-home care pursuant to

1093 | this chapter is entitled to participate in age-appropriate

1094 | extracurricular, enrichment, and social activities.

1095 | 2. Each caregiver shall use the reasonable and prudent

1096 | parent standard in determining whether to give permission for a

1097 | child living in out-of-home care to participate in

1098 extracurricular, enrichment, or social activities. When using
 1099 the reasonable and prudent parent standard, the caregiver must
 1100 consider:

1101 a. The child's age, maturity, and developmental level to
 1102 maintain the overall health and safety of the child.

1103 b. The potential risk factors and the appropriateness of
 1104 the extracurricular, enrichment, or social activity.

1105 c. The best interest of the child, based on information
 1106 known by the caregiver.

1107 d. The importance of encouraging the child's emotional and
 1108 developmental growth.

1109 e. The importance of providing the child with the most
 1110 family-like living experience possible.

1111 f. The behavioral history of the child and the child's
 1112 ability to safely participate in the proposed activity.

1113 (c) Verification of services delivered.—The department and
 1114 each community-based care lead agency shall verify that private
 1115 agencies providing out-of-home care services to dependent
 1116 children have policies in place which are consistent with this
 1117 section and that these agencies promote and protect the ability
 1118 of dependent children to participate in age-appropriate
 1119 extracurricular, enrichment, and social activities.

1120 (d) Limitation of liability.—A caregiver is not liable for
 1121 harm caused to a child who participates in an activity approved
 1122 by the caregiver, provided that the caregiver has acted in

1123 accordance with the reasonable and prudent parent standard. This
 1124 paragraph may not be interpreted as removing or limiting any
 1125 existing liability protection afforded by law.

1126 (3)~~(4)~~ FOSTER CARE ROOM AND BOARD RATES.—

1127 (a) Effective July 1, 2018, room and board rates shall be
 1128 paid to foster parents as follows:

1129 Monthly Foster Care Rate

1130

0-5 Years	6-12 Years	13-21 Years
Age	Age	Age
\$457.95	\$469.68	\$549.74

1131

1132

1133 (b) Each January, foster parents shall receive an annual
 1134 cost of living increase. The department shall calculate the new
 1135 room and board rate increase equal to the percentage change in
 1136 the Consumer Price Index for All Urban Consumers, U.S. City
 1137 Average, All Items, not seasonally adjusted, or successor
 1138 reports, for the preceding December compared to the prior
 1139 December as initially reported by the United States Department
 1140 of Labor, Bureau of Labor Statistics. The department shall make
 1141 available the adjusted room and board rates annually.

1142 (c) Effective July 1, 2019, foster parents of level I
 1143 family foster homes, as defined in s. 409.175(5) (a) shall

1144 receive a room and board rate of \$333.

1145 (d) Effective July 1, 2019, the foster care room and board
1146 rate for level II family foster homes as defined in s.
1147 409.175(5) (a) shall be the same as the new rate established for
1148 family foster homes as of January 1, 2019.

1149 (e) Effective January 1, 2020, paragraph (b) shall only
1150 apply to level II through level V family foster homes, as
1151 defined in s. 409.175(5) (a).

1152 (f) The amount of the monthly foster care room and board
1153 rate may be increased upon agreement among the department, the
1154 community-based care lead agency, and the foster parent.

1155 (g) From July 1, 2018, through June 30, 2019, community-
1156 based care lead agencies providing care under contract with the
1157 department shall pay a supplemental room and board payment to
1158 foster care parents of all family foster homes, on a per-child
1159 basis, for providing independent life skills and normalcy
1160 supports to children who are 13 through 17 years of age placed
1161 in their care. The supplemental payment shall be paid monthly to
1162 the foster care parents in addition to the current monthly room
1163 and board rate payment. The supplemental monthly payment shall
1164 be based on 10 percent of the monthly room and board rate for
1165 children 13 through 21 years of age as provided under this
1166 section and adjusted annually. Effective July 1, 2019, such
1167 supplemental payments shall only be paid to foster parents of
1168 level II through level V family foster homes.

1169 ~~(4)-(5)~~ RULEMAKING.—The department shall adopt by rule
1170 procedures to administer this section.

1171 Section 12. Paragraphs (d) through (k) of subsection (6)
1172 of section 409.175, Florida Statutes, are redesignated as
1173 paragraphs (e) through (l), respectively, paragraph (b) and
1174 present paragraphs (h) and (i) of that subsection are amended,
1175 and a new paragraph (d) is added to that subsection, to read:

1176 409.175 Licensure of family foster homes, residential
1177 child-caring agencies, and child-placing agencies; public
1178 records exemption.—

1179 (6)

1180 (b) The department shall prescribe by rule the various
1181 roles of entities involved in the application process. Upon
1182 application for licensure, the department shall conduct a
1183 licensing study based on its licensing rules; shall inspect the
1184 home or the agency and the records, including financial records,
1185 of the applicant or agency; and shall interview the applicant.
1186 The department may authorize a licensed child-placing agency to
1187 conduct the licensing study of a family foster home to be used
1188 exclusively by that agency and to verify to the department that
1189 the home meets the licensing requirements established by the
1190 department. The department or authorized licensed child-placing
1191 agency must complete the licensing study of a family foster home
1192 within 30 days after initiation of the study. The department
1193 shall post on its website a list of the agencies authorized to

1194 conduct such studies. Upon certification ~~by a licensed child-~~
1195 ~~placing agency~~ that a family foster home meets the licensing
1196 requirements and upon receipt of a letter from a community-based
1197 care lead agency in the service area where the home will be
1198 licensed which indicates that the family foster home meets the
1199 criteria established by the lead agency, the department shall
1200 issue the license. A letter from the lead agency is not required
1201 if the lead agency where the proposed home is located is
1202 directly supervising foster homes in the same service area.

1203 (d) The department shall approve or deny an application
1204 for licensure within 10 business days after receipt of a
1205 completed family foster home application and other required
1206 documentation as prescribed by rule. The department shall
1207 approve or deny an application for licensure no later than 100
1208 calendar days after the orientation required under subsection
1209 (14). The department may exceed 100 calendar days to approve or
1210 deny an application for licensure if additional certifications
1211 are required under paragraph (5) (a).

1212 (i) ~~(h)~~ Upon determination that the applicant meets the
1213 state minimum licensing requirements and has obtained a letter
1214 from a community-based care lead agency which indicates that the
1215 family foster home meets the criteria established by the lead
1216 agency, the department shall issue a license without charge to a
1217 specific person or agency at a specific location. A license may
1218 be issued if all the screening materials have been timely

1219 submitted; however, a license may not be issued or renewed if
1220 any person at the home or agency has failed the required
1221 screening. The license is nontransferable. A copy of the license
1222 shall be displayed in a conspicuous place. Except as provided in
1223 paragraph (k) ~~(j)~~, the license is valid for 1 year from the date
1224 of issuance, unless the license is suspended or revoked by the
1225 department or is voluntarily surrendered by the licensee. The
1226 license is the property of the department.

1227 (j) ~~(i)~~ The issuance of a license to operate a family
1228 foster home or agency does not require a lead agency to place a
1229 child with the home or agency. A license issued for the
1230 operation of a family foster home or agency, unless sooner
1231 suspended, revoked, or voluntarily returned, will expire
1232 automatically 1 year from the date of issuance except as
1233 provided in paragraph (k) ~~(j)~~. Ninety days prior to the
1234 expiration date, an application for renewal shall be submitted
1235 to the department by a licensee who wishes to have the license
1236 renewed. A license shall be renewed upon the filing of an
1237 application on forms furnished by the department if the
1238 applicant has first met the requirements established under this
1239 section and the rules promulgated hereunder.

1240 Section 13. Paragraph (j) of subsection (1) of section
1241 409.988, Florida Statutes, is amended to read:

1242 409.988 Lead agency duties; general provisions.—

1243 (1) DUTIES.—A lead agency:

1244 (j) May subcontract for the provision of services required
1245 by the contract with the lead agency and the department;
1246 however, the subcontracts must specify how the provider will
1247 contribute to the lead agency meeting the performance standards
1248 established pursuant to the child welfare results-oriented
1249 accountability system required by s. 409.997. The lead agency
1250 shall directly provide no more than 35 percent of all child
1251 welfare services provided unless it can demonstrate a need,
1252 within the lead agency's geographic service area, to exceed this
1253 threshold. The local community alliance in the geographic
1254 service area in which the lead agency is seeking to exceed the
1255 threshold shall review the lead agency's justification for need
1256 and recommend to the department whether the department should
1257 approve or deny the lead agency's request for an exemption from
1258 the services threshold. If there is not a community alliance
1259 operating in the geographic service area in which the lead
1260 agency is seeking to exceed the threshold, such review and
1261 recommendation shall be made by representatives of local
1262 stakeholders, including at least one representative from each of
1263 the following:

- 1264 1. The department.
- 1265 2. The county government.
- 1266 3. The school district.
- 1267 4. The county United Way.
- 1268 5. The county sheriff's office.

1269 | 6. The circuit court corresponding to the county.

1270 | 7. The county children's board, if one exists.

1271 | Section 14. Paragraph (b) of subsection (7) of section
1272 | 39.302, Florida Statutes, is amended to read:

1273 | 39.302 Protective investigations of institutional child
1274 | abuse, abandonment, or neglect.—

1275 | (7) When an investigation of institutional abuse, neglect,
1276 | or abandonment is closed and a person is not identified as a
1277 | caregiver responsible for the abuse, neglect, or abandonment
1278 | alleged in the report, the fact that the person is named in some
1279 | capacity in the report may not be used in any way to adversely
1280 | affect the interests of that person. This prohibition applies to
1281 | any use of the information in employment screening, licensing,
1282 | child placement, adoption, or any other decisions by a private
1283 | adoption agency or a state agency or its contracted providers.

1284 | (b) Likewise, if a person is employed as a caregiver in a
1285 | residential group home licensed under ~~pursuant to~~ s. 409.175 and
1286 | is named in any capacity in three or more reports within a 5-
1287 | year period, the department may review all reports for the
1288 | purposes of the employment screening required under s.
1289 | 409.1415(2)(c) ~~pursuant to s. 409.145(2)(c)~~.

1290 | Section 15. Paragraph (d) of subsection (5) of section
1291 | 39.6225, Florida Statutes, is amended to read:

1292 | 39.6225 Guardianship Assistance Program.—

1293 | (5) A guardian with an application approved pursuant to

1294 subsection (2) who is caring for a child placed with the
1295 guardian by the court pursuant to this part may receive
1296 guardianship assistance payments based on the following
1297 criteria:

1298 (d) The department shall provide guardianship assistance
1299 payments in the amount of \$4,000 annually, paid on a monthly
1300 basis, or in an amount other than \$4,000 annually as determined
1301 by the guardian and the department and memorialized in a written
1302 agreement between the guardian and the department. The agreement
1303 shall take into consideration the circumstances of the guardian
1304 and the needs of the child. Changes may not be made without the
1305 concurrence of the guardian. However, ~~in no case shall~~ the
1306 amount of the monthly payment may not exceed the foster care
1307 maintenance payment that would have been paid during the same
1308 period if the child had been in licensed care at his or her
1309 designated level of care at the rate established in s.
1310 409.145(3) ~~s. 409.145(4)~~.

1311 Section 16. Paragraph (b) of subsection (5) of section
1312 393.065, Florida Statutes, is amended to read:

1313 393.065 Application and eligibility determination.—

1314 (5) The agency shall assign and provide priority to
1315 clients waiting for waiver services in the following order:

1316 (b) Category 2, which includes individuals on the waiting
1317 list who are:

1318 1. From the child welfare system with an open case in the

1319 Department of Children and Families' statewide automated child
 1320 welfare information system and who are either:

1321 a. Transitioning out of the child welfare system at the
 1322 finalization of an adoption, a reunification with family
 1323 members, a permanent placement with a relative, or a
 1324 guardianship with a nonrelative; or

1325 b. At least 18 years but not yet 22 years of age and who
 1326 need both waiver services and extended foster care services; or

1327 2. At least 18 years but not yet 22 years of age and who
 1328 withdrew consent pursuant to s. 39.6251(5)(c) to remain in the
 1329 extended foster care system.

1330

1331 For individuals who are at least 18 years but not yet 22 years
 1332 of age and who are eligible under sub-subparagraph 1.b., the
 1333 agency shall provide waiver services, including residential
 1334 habilitation, and the community-based care lead agency shall
 1335 fund room and board at the rate established in s. 409.145(3) ~~s.~~
 1336 ~~409.145(4)~~ and provide case management and related services as
 1337 defined in s. 409.986(3)(e). Individuals may receive both waiver
 1338 services and services under s. 39.6251. Services may not
 1339 duplicate services available through the Medicaid state plan.

1340

1341 Within categories 3, 4, 5, 6, and 7, the agency shall maintain a
 1342 waiting list of clients placed in the order of the date that the
 1343 client is determined eligible for waiver services.

1344 Section 17. Paragraph (b) of subsection (2) of section
 1345 409.1451, Florida Statutes, is amended to read:

1346 409.1451 The Road-to-Independence Program.—

1347 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1348 (b) The amount of the financial assistance shall be as
 1349 follows:

1350 1. For a young adult who does not remain in foster care
 1351 and is attending a postsecondary school as provided in s.
 1352 1009.533, the amount is \$1,256 monthly.

1353 2. For a young adult who remains in foster care, is
 1354 attending a postsecondary school, as provided in s. 1009.533,
 1355 and continues to reside in a licensed foster home, the amount is
 1356 the established room and board rate for foster parents. This
 1357 takes the place of the payment provided for in s. 409.145(3) ~~s.~~
 1358 ~~409.145(4)~~.

1359 3. For a young adult who remains in foster care, but
 1360 temporarily resides away from a licensed foster home for
 1361 purposes of attending a postsecondary school as provided in s.
 1362 1009.533, the amount is \$1,256 monthly. This takes the place of
 1363 the payment provided for in s. 409.145(3) ~~s. 409.145(4)~~.

1364 4. For a young adult who remains in foster care, is
 1365 attending a postsecondary school as provided in s. 1009.533, and
 1366 continues to reside in a licensed group home, the amount is
 1367 negotiated between the community-based care lead agency and the
 1368 licensed group home provider.

1369 5. For a young adult who remains in foster care, but
1370 temporarily resides away from a licensed group home for purposes
1371 of attending a postsecondary school as provided in s. 1009.533,
1372 the amount is \$1,256 monthly. This takes the place of a
1373 negotiated room and board rate.

1374 6. A young adult is eligible to receive financial
1375 assistance during the months when he or she is enrolled in a
1376 postsecondary educational institution.

1377 Section 18. This act shall take effect July 1, 2020.