

1 A bill to be entitled
 2 An act relating to abuse, abandonment, or neglect
 3 education; amending s. 39.4085, F.S.; revising
 4 legislative intent; specifying goals of children in
 5 shelter or foster care; providing responsibilities of
 6 the Department of Children and Families, case
 7 managers, and other staff; authorizing district school
 8 boards to establish specified educational programs for
 9 certain students and provide such programs in
 10 conjunction with other specified programs; providing
 11 an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Section 39.4085, Florida Statutes, is amended
 16 to read:

17 39.4085 ~~Legislative findings and declaration of intent for~~
 18 Goals for dependent children; responsibilities; education.-

19 (1) The Legislature finds ~~and declares~~ that the design and
 20 delivery of child welfare services should be directed by the
 21 principle that the health and safety of children, including the
 22 freedom from abuse, abandonment, or neglect, is ~~should be~~ of
 23 paramount concern and, therefore, establishes the following
 24 goals for children in shelter or foster care:

25 (a) ~~(1)~~ To receive a copy of this act and have it fully

26 | explained to them when they are placed in the custody of the
27 | department.

28 | (b)~~(2)~~ To enjoy individual dignity, liberty, pursuit of
29 | happiness, and the protection of their civil and legal rights as
30 | persons in the custody of the state.

31 | (c)~~(3)~~ To have their privacy protected, have their
32 | personal belongings secure and transported with them, and,
33 | unless otherwise ordered by the court, have uncensored
34 | communication, including receiving and sending unopened
35 | communications and having access to a telephone.

36 | (d)~~(4)~~ To have personnel providing services who are
37 | sufficiently qualified and experienced to assess the risk
38 | children face before ~~prior to~~ removal from their homes and to
39 | meet the needs of the children once they are in the custody of
40 | the department.

41 | (e)~~(5)~~ To remain in the custody of their parents or legal
42 | custodians unless and until there has been a determination by a
43 | qualified person exercising competent professional judgment that
44 | removal is necessary to protect their physical, mental, or
45 | emotional health or safety.

46 | (f)~~(6)~~ To have a full risk, health, educational, medical,
47 | and psychological screening and, if needed, assessment and
48 | testing upon adjudication into foster care; and to have their
49 | photograph and fingerprints included in their case management
50 | file.

51 (g)~~(7)~~ To be referred to and receive services, including
52 necessary medical, emotional, psychological, psychiatric, and
53 educational evaluations and treatment, as soon as practicable
54 after identification of the need for such services by the
55 screening and assessment process.

56 (h)~~(8)~~ To be placed in a home with no more than one other
57 child, unless they are part of a sibling group.

58 (i)~~(9)~~ To be placed away from other children known to pose
59 a threat of harm to them, either because of their own risk
60 factors or those of the other child.

61 (j)~~(10)~~ To be placed in a home where the shelter or foster
62 caregiver is aware of and understands the child's history,
63 needs, and risk factors.

64 (k)~~(11)~~ To be the subject of a plan developed by the
65 counselor and the shelter or foster caregiver to deal with
66 identified behaviors that may present a risk to the child or
67 others.

68 (l)~~(12)~~ To be involved and incorporated, if ~~where~~
69 appropriate, in the development of the case plan, to have a case
70 plan which will address their specific needs, and to object to
71 any of the provisions of the case plan.

72 (m)~~(13)~~ To receive meaningful case management and planning
73 that will quickly return the child to his or her family or move
74 the child on to other forms of permanency.

75 (n)~~(14)~~ To receive regular communication with a case

76 | manager ~~caseworker~~, at least once a month, which shall include
77 | meeting with the child alone and conferring with the shelter or
78 | foster caregiver.

79 | (o) ~~(15)~~ To enjoy regular visitation, at least once a week,
80 | with their siblings unless the court orders otherwise.

81 | (p) ~~(16)~~ To enjoy regular visitation with their parents, at
82 | least once a month, unless the court orders otherwise.

83 | (q) ~~(17)~~ To receive a free and appropriate education;
84 | minimal disruption to their education and retention in their
85 | home school, if appropriate; referral to the child study team;
86 | all special educational services, including, if where
87 | appropriate, the appointment of a parent surrogate; and the
88 | sharing of all necessary information between the school board
89 | and the department, including information on attendance and
90 | educational progress.

91 | (r) ~~(18)~~ To be able to raise grievances with the department
92 | over the care they are receiving from their caregivers, case
93 | managers ~~caseworkers~~, or other service providers.

94 | (s) ~~(19)~~ To be heard by the court, if appropriate, at all
95 | review hearings.

96 | (t) ~~(20)~~ To have a guardian ad litem appointed to
97 | represent, within reason, their best interests and, if where
98 | appropriate, an attorney ad litem appointed to represent their
99 | legal interests; the guardian ad litem and attorney ad litem
100 | shall have immediate and unlimited access to the children they

101 represent.

102 (u)~~(21)~~ To have all their records available for review by
 103 their guardian ad litem and attorney ad litem if they deem such
 104 review necessary.

105 (v)~~(22)~~ To organize as a group for purposes of ensuring
 106 that they receive the services and living conditions to which
 107 they are entitled and to provide support for one another while
 108 in the custody of the department.

109 (w)~~(23)~~ To be afforded prompt access to all available
 110 state and federal programs, including, but not limited to: Early
 111 Periodic Screening, Diagnosis, and Testing (EPSDT) services,
 112 developmental services programs, Medicare and supplemental
 113 security income, Children's Medical Services, and programs for
 114 severely emotionally disturbed children.

115
 116 ~~The provisions of This subsection establishes section establish~~
 117 ~~goals and not rights. Nothing in This subsection does not~~
 118 ~~require section shall be interpreted as requiring~~ the delivery
 119 of any particular service or level of service in excess of
 120 existing appropriations. A ~~No~~ person does not ~~shall~~ have a cause
 121 of action against the state or any of its subdivisions,
 122 agencies, contractors, subcontractors, or agents, based upon the
 123 adoption of or failure to provide adequate funding for the
 124 achievement of these goals by the Legislature. This subsection
 125 does not ~~Nothing herein shall~~ require the expenditure of funds

126 to meet the goals established in this subsection ~~herein~~ except
127 those funds specifically appropriated for such purpose.

128 (2) The department shall operate with the understanding
129 that the rights of children in shelter or foster care are
130 critical to their safety, permanency, and well-being. The
131 department shall work with all stakeholders to help such
132 children become knowledgeable about their rights.

133 (3) (a) The case manager or other staff shall provide
134 verbal and written instructions to a child entering shelter or
135 foster care to educate the child on identifying and reporting
136 abuse, abandonment, or neglect. The verbal and written
137 instructions must use words and phrasing that each child can
138 understand and must occur in a manner that is most effective for
139 each child. The written instructions are only required if the
140 child is of a sufficient age and understanding to receive such
141 instructions. The case manager or other staff must give each
142 child the opportunity to ask questions about his or her rights
143 and how to identify and report abuse, abandonment, or neglect.
144 The case manager or other staff shall document in court reports
145 and case notes the date the information was provided to the
146 child. The case manager or other staff must review the
147 information with the child every 6 months and upon every
148 placement change until the child leaves shelter or foster care.

149 (b) District school boards are authorized and encouraged
150 to establish educational programs for students ages 5 through 18

151 relating to identifying and reporting abuse, abandonment, or
152 neglect and the effects of such abuse, abandonment, or neglect
153 on a child. The district school boards may provide such programs
154 in conjunction with the youth mental health awareness and
155 assistance training program required under s. 1012.584, any
156 other mental health education program offered by the school
157 district, or any of the educational instruction required under
158 s. 1003.42(2).

159 Section 2. This act shall take effect July 1, 2021.