

**By** the Committees on Rules; and Children, Families, and Elder Affairs; and Senators Brodeur, Albritton, and Book

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1                   A bill to be entitled  
2           An act relating to child welfare; creating s.  
3           39.00146, F.S.; defining terms; requiring the case  
4           record of every child under the supervision or in the  
5           custody of the Department of Children and Families,  
6           the department's agents, or providers contracting with  
7           the department to include a case record face sheet;  
8           specifying information required to be included in the  
9           case record face sheet; requiring the department, the  
10          department's agents, and providers contracting with  
11          the department to update the case record face sheet  
12          monthly; providing requirements for the case record  
13          face sheet; authorizing the department to develop, or  
14          contract with a third party to develop, a case record  
15          face sheet; requiring community-based care lead  
16          agencies to use such face sheets; requiring the  
17          department to adopt rules; amending s. 39.401, F.S.;  
18          requiring the department to determine out-of-home  
19          placement based on priority of placements and other  
20          factors; amending s. 39.402, F.S.; requiring the  
21          department to make reasonable efforts to place a child  
22          in out-of-home care based on priority of placements;  
23          providing exceptions and other criteria; creating s.  
24          39.4021, F.S.; providing legislative findings;  
25          establishing certain placement priorities for out-of-  
26          home placements; requiring the department or lead  
27          agency to place sibling groups together when possible  
28          if in the best interest of each child after  
29          considering specified factors; providing an exception;

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30 providing construction; creating s. 39.4022, F.S.;

31 providing legislative intent; defining terms;

32 requiring that multidisciplinary teams be established

33 for certain purposes; providing goals for such teams;

34 providing for membership of multidisciplinary team

35 staffings; authorizing the department or lead agency

36 to invite other participants to attend a team staffing

37 under certain circumstances; providing requirements

38 for multidisciplinary team staffings; requiring that

39 team staffings be held when specified decisions

40 regarding a child must be made; providing

41 applicability; requiring team staffing participants to

42 gather and consider data and information on the child

43 before formulating a decision; providing for the use

44 of an evidence-based assessment instrument or tool;

45 requiring multidisciplinary teams to conduct

46 supplemental assessments for certain children;

47 requiring team participants to gather certain

48 information related to the child for such supplemental

49 assessments; requiring that a unanimous consensus

50 decision reached by the team becomes the official

51 position and that specified parties are bound by such

52 consensus decision; providing procedures for when the

53 team does not reach a consensus decision; requiring

54 that the department determine a suitable placement if

55 the team cannot come to a consensus decision;

56 requiring the formation of a team within specified

57 timeframes; requiring the facilitator to file a report

58 with the court within a specified timeframe if the

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59 team does not reach a consensus decision; providing  
60 requirements for the report; authorizing specified  
61 parties to discuss confidential information during a  
62 team staffing in the presence of participating  
63 individuals; providing that information collected by  
64 any agency or entity that participates in a staffing  
65 which is confidential and exempt upon collection  
66 remains confidential and exempt when discussed in  
67 staffings; requiring individuals who participate in a  
68 staffing to maintain the confidentiality of all  
69 information shared; providing construction; requiring  
70 the department to adopt rules; creating s. 39.4023,  
71 F.S.; providing legislative findings and intent;  
72 defining terms; providing for the creation of  
73 transition plans for specified changes in placement;  
74 providing conditions under which a child may be  
75 removed from a caregiver's home; requiring community-  
76 based care lead agencies to provide services to  
77 prevent a change in placement; requiring the  
78 department and a community-based care lead agency to  
79 convene a multidisciplinary team staffing to develop a  
80 transition plan under certain circumstances; requiring  
81 the department or community-based care lead agency to  
82 provide written notice of a planned placement change;  
83 providing requirements for the notice; providing  
84 applicability; requiring additional considerations for  
85 placement changes for infants and young children;  
86 providing findings; requiring the department or  
87 community-based care lead agency to create and

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88           implement individualized transition plans; specifying  
89           factors that must be considered when selecting a new  
90           school for a child; requiring children who enter out-  
91           of-home care or undergo changes in placement to remain  
92           with familiar child care providers or early education  
93           programs, if possible; providing requirements for  
94           transition plans for transitions between K-12 schools;  
95           requiring the department, in collaboration with the  
96           Quality Parenting Initiative, to develop a form for a  
97           specified purpose; specifying requirements for the  
98           form; requiring the department and community-based  
99           care lead agencies to document multidisciplinary team  
100          staffings and placement transition decisions in the  
101          Florida Safe Families Network and include such  
102          information in the social study report for judicial  
103          review; providing an exemption; requiring the  
104          department to adopt rules; creating s. 39.4024, F.S.;  
105          providing legislative findings; defining terms;  
106          requiring the department or lead agency to make  
107          reasonable efforts to place siblings in the same  
108          foster, kinship, adoptive, or guardianship home when  
109          certain conditions are met; requiring the department  
110          or lead agency and multidisciplinary team to take  
111          certain actions when siblings are not placed together;  
112          specifying that the department and court are not  
113          required to make a placement or change in placement to  
114          develop certain sibling relationships; requiring the  
115          department or the lead agency to convene a  
116          multidisciplinary team staffing to determine and

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117 assess sibling relationships when a child is removed  
118 from a home; providing for the placement of sibling  
119 groups in certain circumstances; specifying factors  
120 for the multidisciplinary team to consider when  
121 determining placement or change of placement for  
122 children in sibling groups who do not have an existing  
123 relationship with siblings; requiring that a child's  
124 transition to a new home be carried out gradually when  
125 it is determined that the child would benefit from  
126 being placed with siblings; requiring the department,  
127 in collaboration with the Quality Parenting  
128 Initiative, to develop standard protocols for the  
129 department and lead agency for use in making specified  
130 decisions about child placement; providing  
131 considerations for maintaining contact between  
132 siblings when separated; providing duties for  
133 caregivers; authorizing the court to limit and  
134 restrict communication and visitation upon a finding  
135 of clear and convincing evidence that such  
136 communication or visitation is harmful to the child;  
137 requiring the department and community-based care lead  
138 agencies to periodically reassess certain sibling  
139 placements in certain instances; requiring the  
140 department to provide certain services to prevent  
141 disruption in a placement when a child does not adjust  
142 to such placement; requiring that a multidisciplinary  
143 team staffing is convened when one child does not  
144 adjust to placement as a sibling group under certain  
145 conditions; requiring the team to review such

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146 placement and choose a plan least detrimental to each  
147 child; requiring that a multidisciplinary team be  
148 convened in certain circumstances where the department  
149 or child subsequently identifies a sibling; requiring  
150 the department to provide children with specified  
151 information relating to their siblings; requiring the  
152 department to make reasonable efforts to ascertain  
153 such information if it is not known; providing that a  
154 child has a right to continued communication with a  
155 sibling under certain circumstances; requiring the  
156 department and lead agencies to document in writing  
157 decisions to separate siblings in case files and the  
158 Florida Safe Families Network; specifying requirements  
159 for such documentation; providing an exemption;  
160 requiring the department to adopt rules; amending s.  
161 39.522, F.S.; deleting and relocating criteria for the  
162 court to consider when determining whether a legal  
163 change of custody is in the best interest of the  
164 child; conforming a provision to changes made by the  
165 act; defining the term "change in physical custody";  
166 providing a rebuttable presumption that the best  
167 interest of a child is to remain in a current  
168 placement; providing applicability for such  
169 presumption; establishing the manner in which to rebut  
170 the presumption; requiring the department or lead  
171 agency to notify certain caregivers within a specified  
172 timeframe of the intent to change the physical custody  
173 of a child; requiring that a multidisciplinary team  
174 staffing be held within a specified timeframe before

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175 the intended date for the child's change in physical  
176 custody; requiring that the department's official  
177 position be provided to the parties under certain  
178 circumstances; requiring the caregiver to provide  
179 written notice of objection to such change in physical  
180 custody within a specified timeframe; requiring the  
181 court to conduct an initial case status hearing within  
182 a specified timeframe upon receiving specified written  
183 notice from a caregiver; providing procedures for when  
184 a caregiver objects to the child's change in physical  
185 custody; requiring the court to conduct an initial  
186 case status hearing; requiring the court to conduct an  
187 evidentiary hearing; requiring the department or lead  
188 agency to implement an appropriate transition plan if  
189 the court orders a change in physical custody of the  
190 child; amending s. 39.523, F.S.; requiring the  
191 department or lead agency to coordinate a  
192 multidisciplinary team staffing for specified  
193 purposes; requiring, rather than authorizing, the  
194 department to create rules; amending s. 39.806, F.S.;  
195 conforming a cross-reference; providing an effective  
196 date.

197  
198 Be It Enacted by the Legislature of the State of Florida:

199  
200 Section 1. Section 39.00146, Florida Statutes, is created  
201 to read:

202 39.00146 Case record face sheet.-

203 (1) As used in this section, the term:

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204 (a) "Multidisciplinary team" has the same meaning as  
205 provided in s. 39.4022(2).

206 (b) "Placement change" has the same meaning as provided in  
207 s. 39.4023(2).

208 (c) "School" has the same meaning as in s. 39.4023(2).

209 (d) "Sibling" has the same meaning as in s. 39.4024(2).

210 (2) The case record of every child under the supervision or  
211 in the custody of the department or the department's authorized  
212 agents, including community-based care lead agencies and their  
213 subcontracted providers, must include a face sheet containing  
214 relevant information about the child and his or her case,  
215 including at least all of the following:

216 (a) General case information, including, but not limited  
217 to:

218 1. The child's name and date of birth;

219 2. The current county of residence and the county of  
220 residence at the time of the referral;

221 3. The reason for the referral and any family safety  
222 concerns;

223 4. The personal identifying information of the parents or  
224 legal custodians who had custody of the child at the time of the  
225 referral, including name, date of birth, and county of  
226 residence;

227 5. The date of removal from the home; and

228 6. The name and contact information of the attorney or  
229 attorneys assigned to the case in all capacities, including the  
230 attorney or attorneys that represent the department and the  
231 parents, and the guardian ad litem, if one has been appointed.

232 (b) The name and contact information for any employees of

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233 the department, the department's authorized agents, or providers  
234 contracting with the department, including community-based care  
235 lead agencies and their subcontracted service providers, who  
236 have worked with the child, including the child's current and  
237 previous case managers, and the supervisor information for such  
238 employees.

239 (c) The personal information of relevant family members and  
240 other fictive kin, including, but not limited to, the name and  
241 contact information of:

- 242 1. The child's parents;
- 243 2. The child's siblings, including the location of their  
244 current out-of-home placement, if applicable;
- 245 3. The child's current caregivers and any previous out-of-  
246 home placements;
- 247 4. Any other caretaking adults; and
- 248 5. All children in the out-of-home placement, if  
249 applicable.

250 (d) A description of any threats of danger placing the  
251 child at imminent risk of removal.

252 (e) A description of individual parent or caregiver  
253 concerns for the child.

254 (f) Any concerns that exist regarding the parent or the  
255 current caregiver's ability to:

- 256 1. Maintain a safe home;
- 257 2. Engage or bond with the child if the child is an infant;
- 258 3. Structure daily activities that stimulate the child;
- 259 4. Manage the child's behavior; or
- 260 5. Make good health decisions for the child.

261 (g) Any transitions in placement the child has experienced

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262 since the child's initial placement and a description of how  
263 such transitions were accomplished in accordance with s.  
264 39.4023.

265 (h) If the child has any siblings and they are not placed  
266 in the same out-of-home placement, the reasons the children are  
267 not in joint placement and the reasonable efforts that the  
268 department or appropriate lead agency will make to provide  
269 frequent visitation or other ongoing interaction between the  
270 siblings, unless the court determines that the interaction would  
271 be contrary to a sibling's safety or well-being in accordance s.  
272 39.4024.

273 (i) Information pertaining to recent and upcoming court  
274 hearings, including, but not limited to, the date, subject  
275 matter, and county of court jurisdiction of the most recent and  
276 next scheduled court hearing.

277 (j) Any other information the department, the department's  
278 authorized agents, or providers contracting with the department,  
279 including community-based care lead agencies deem relevant.

280 (3) The department, the department's authorized agents, or  
281 providers contracting with the department, including community-  
282 based care lead agencies, must ensure that the face sheet for  
283 each case is updated at least once per month. This requirement  
284 includes ensuring that the department, its authorized agents, or  
285 providers contracting with the department gather any relevant  
286 information from any subcontracted providers who provide  
287 services for the case record information required to be included  
288 under this section.

289 (4) The case record face sheet must be in a uniform and  
290 standardized format for use statewide and must be developed,

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291 either by the department or a third party, using real-time data  
292 from the state child welfare information system. The department  
293 may develop a specific case record face sheet or may contract  
294 with a third party to use existing software that, at a minimum,  
295 meets the requirements of subsection (2). The case record face  
296 sheet developed or contracted for use under this section must be  
297 electronic and have the capability to be printed. The community-  
298 based care lead agencies shall use this uniform and standardized  
299 case record face sheet to comply with this section.

300 (5) The department shall adopt rules to implement this  
301 section.

302 Section 2. Subsection (3) of section 39.401, Florida  
303 Statutes, is amended to read:

304 39.401 Taking a child alleged to be dependent into custody;  
305 law enforcement officers and authorized agents of the  
306 department.—

307 (3) If the child is taken into custody by, or is delivered  
308 to, an authorized agent of the department, the agent shall  
309 review the facts supporting the removal with an attorney  
310 representing the department. The purpose of the review is to  
311 determine whether there is probable cause for the filing of a  
312 shelter petition.

313 (a) If the facts are not sufficient, the child shall  
314 immediately be returned to the custody of the parent or legal  
315 custodian.

316 (b) If the facts are sufficient and the child has not been  
317 returned to the custody of the parent or legal custodian, the  
318 department shall file the petition and schedule a hearing, and  
319 the attorney representing the department shall request that a

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320 shelter hearing be held within 24 hours after the removal of the  
321 child.

322 (c) While awaiting the shelter hearing, the authorized  
323 agent of the department may place the child in out-of-home care,  
324 and placement shall be determined based on priority of  
325 placements as provided in s. 39.4021 and what is in the child's  
326 best interest based on the criteria and factors set out in s.  
327 39.4022 licensed shelter care or may release the child to a  
328 parent or legal custodian or responsible adult relative or the  
329 adoptive parent of the child's sibling who shall be given  
330 priority consideration over a licensed placement, or a  
331 responsible adult approved by the department if this is in the  
332 best interests of the child.

333 (d) Placement of a child which is not in a licensed shelter  
334 must be preceded by a criminal history records check as required  
335 under s. 39.0138.

336 (e) In addition, the department may authorize placement of  
337 a housekeeper/homemaker in the home of a child alleged to be  
338 dependent until the parent or legal custodian assumes care of  
339 the child.

340 Section 3. Paragraph (h) of subsection (8) of section  
341 39.402, Florida Statutes, is amended to read:

342 39.402 Placement in a shelter.—

343 (8)

344 (h) The order for placement of a child in shelter care must  
345 identify the parties present at the hearing and must contain  
346 written findings:

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

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349           2. That placement in shelter care is in the best interest  
350 of the child.

351           3. That continuation of the child in the home is contrary  
352 to the welfare of the child because the home situation presents  
353 a substantial and immediate danger to the child's physical,  
354 mental, or emotional health or safety which cannot be mitigated  
355 by the provision of preventive services.

356           4. That based upon the allegations of the petition for  
357 placement in shelter care, there is probable cause to believe  
358 that the child is dependent or that the court needs additional  
359 time, which may not exceed 72 hours, in which to obtain and  
360 review documents pertaining to the family in order to  
361 appropriately determine the risk to the child.

362           5. That the department has made reasonable efforts to  
363 prevent or eliminate the need for removal of the child from the  
364 home. A finding of reasonable effort by the department to  
365 prevent or eliminate the need for removal may be made and the  
366 department is deemed to have made reasonable efforts to prevent  
367 or eliminate the need for removal if:

368           a. The first contact of the department with the family  
369 occurs during an emergency;

370           b. The appraisal of the home situation by the department  
371 indicates that the home situation presents a substantial and  
372 immediate danger to the child's physical, mental, or emotional  
373 health or safety which cannot be mitigated by the provision of  
374 preventive services;

375           c. The child cannot safely remain at home, either because  
376 there are no preventive services that can ensure the health and  
377 safety of the child or because, even with appropriate and

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378 available services being provided, the health and safety of the  
379 child cannot be ensured; or

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

383 6. That the department has made reasonable efforts to place  
384 the child in order of priority as provided in s. 39.4021 unless  
385 such priority placement is not a placement option or in the best  
386 interest of the child based on the criteria and factors set out  
387 in s. 39.4022.

388 7. That the department has made reasonable efforts to keep  
389 siblings together if they are removed and placed in out-of-home  
390 care unless such placement is not in the best interest of each  
391 child. It is preferred that siblings be kept together in a  
392 foster home, if available. Other reasonable efforts shall  
393 include short-term placement in a group home with the ability to  
394 accommodate sibling groups if such a placement is available. The  
395 department shall report to the court its efforts to place  
396 siblings together unless the court finds that such placement is  
397 not in the best interest of a child or his or her sibling.

398 ~~8.7.~~ That the court notified the parents, relatives that  
399 are providing out-of-home care for the child, or legal  
400 custodians of the time, date, and location of the next  
401 dependency hearing and of the importance of the active  
402 participation of the parents, relatives that are providing out-  
403 of-home care for the child, or legal custodians in all  
404 proceedings and hearings.

405 ~~9.8.~~ That the court notified the parents or legal  
406 custodians of their right to counsel to represent them at the

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407 shelter hearing and at each subsequent hearing or proceeding,  
408 and the right of the parents to appointed counsel, pursuant to  
409 the procedures set forth in s. 39.013.

410 ~~10.9.~~ That the court notified relatives who are providing  
411 out-of-home care for a child as a result of the shelter petition  
412 being granted that they have the right to attend all subsequent  
413 hearings, to submit reports to the court, and to speak to the  
414 court regarding the child, if they so desire.

415 ~~11.10.~~ That the department has placement and care  
416 responsibility for any child who is not placed in the care of a  
417 parent at the conclusion of the shelter hearing.

418 Section 4. Section 39.4021, Florida Statutes, is created to  
419 read:

420 39.4021 Priority placement for out-of-home placements.-

421 (1) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds  
422 that it is a basic tenet of child welfare practice and the law  
423 that a child be placed in the least restrictive, most family-  
424 like setting available in close proximity to the home of his or  
425 her parents which meets the needs of the child, and that a child  
426 be placed in a permanent home in a timely manner.

427 (2) PLACEMENT PRIORITY.-

428 (a) When a child cannot safely remain at home with a  
429 parent, out-of-home placement options must be considered in the  
430 following order:

431 1. Non-offending parent.

432 2. Relative caregiver.

433 3. Adoptive parent of the child's sibling, when the  
434 department or community-based care lead agency is aware of such  
435 sibling.

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436 4. Fictive kin with a close existing relationship to the  
437 child.

438 5. Licensed foster care.

439 6. Group or congregate care.

440 (b) Except as otherwise provided for in ss. 39.4022 and  
441 39.4024, sibling groups must be placed in the same placement  
442 whenever possible and if placement together is in the best  
443 interest of each child in the sibling group. Placement decisions  
444 for sibling groups must be made pursuant to ss. 39.4022 and  
445 39.4024.

446 (c) Except as otherwise provided for in this chapter, a  
447 change to a child's physical or legal placement after the child  
448 has been sheltered but before the child has achieved permanency  
449 must be made in compliance with this section. Placements made  
450 pursuant to s. 63.082(6) are exempt from this section.

451 Section 5. Section 39.4022, Florida Statutes, is created to  
452 read:

453 39.4022 Multidisciplinary teams; staffings; assessments;  
454 report.—

455 (1) LEGISLATIVE INTENT.—

456 (a) The Legislature finds that services for children and  
457 families are most effective when delivered in the context of a  
458 single integrated multidisciplinary team staffing that includes  
459 the child, his or her family, natural and community supports,  
460 and professionals who join together to empower, motivate, and  
461 strengthen a family and collaboratively develop a plan of care  
462 and protection to achieve child safety, child permanency, and  
463 child and family well-being.

464 (b) The Legislature also finds that effective assessment

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465 through an integrated multidisciplinary team is particularly  
466 important for children who are vulnerable due to existing  
467 histories of trauma which led to the child's entrance into the  
468 child welfare system. This assessment is especially important  
469 for young children who are 3 years of age or younger, as a  
470 result of the enhanced need for such children to have healthy  
471 and stable attachments to assist with necessary brain  
472 development. Stable and nurturing relationships in the first  
473 years of life, as well as the quality of such relationships, are  
474 integral to healthy brain development, providing a foundation  
475 for lifelong mental health and determining well-being as an  
476 adult.

477 (2) DEFINITIONS.—For purposes of this section, the term:

478 (a) "Change in physical custody" means a change by the  
479 department or the community-based care lead agency to the  
480 child's physical residential address, regardless of whether such  
481 change requires a court order changing the legal custody of the  
482 child.

483 (b) "Emergency situation" means that there is an imminent  
484 risk to the health or safety of the child, other children, or  
485 others in the home or facility if the child remains in the  
486 placement.

487 (c) "Multidisciplinary team" means an integrated group of  
488 individuals which meets to collaboratively develop and attempt  
489 to reach a consensus decision on the most suitable out-of-home  
490 placement, educational placement, or other specified important  
491 life decision that is in the best interest of the child.

492 (3) CREATION AND GOALS.—

493 (a) Multidisciplinary teams must be established for the

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494 purpose of allowing better engagement with families and a shared  
495 commitment and accountability from the family and their circle  
496 of support.

497 (b) The multidisciplinary teams must adhere to the  
498 following goals:

499 1. Secure a child's safety in the least restrictive and  
500 intrusive placement that can meet his or her needs;

501 2. Minimize the trauma associated with separation from the  
502 child's family and help the child to maintain meaningful  
503 connections with family members and others who are important to  
504 him or her;

505 3. Provide input into the placement decision made by the  
506 community-based care lead agency and the services to be provided  
507 in order to support the child;

508 4. Provide input into the decision to preserve or maintain  
509 the placement, including necessary placement preservation  
510 strategies;

511 5. Contribute to an ongoing assessment of the child and the  
512 family's strengths and needs;

513 6. Ensure that plans are monitored for progress and that  
514 such plans are revised or updated as the child's or family's  
515 circumstances change; and

516 7. Ensure that the child and family always remain the  
517 primary focus of each multidisciplinary team meeting.

518 (4) PARTICIPANTS.—

519 (a) Collaboration among diverse individuals who are part of  
520 the child's network is necessary to make the most informed  
521 decisions possible for the child. A diverse team is preferable  
522 to ensure that the necessary combination of technical skills,

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523 cultural knowledge, community resources, and personal  
524 relationships is developed and maintained for the child and  
525 family. The participants necessary to achieve an appropriately  
526 diverse team for a child may vary by child and may include  
527 extended family, friends, neighbors, coaches, clergy, coworkers,  
528 or others the family identifies as potential sources of support.

529 1. Each multidisciplinary team staffing must invite the  
530 following members:

531 a. The child, unless he or she is not of an age or capacity  
532 to participate in the team;

533 b. The child's family members and other individuals  
534 identified by the family as being important to the child,  
535 provided that a parent who has a no contact order or injunction,  
536 is alleged to have sexually abused the child, or is subject to a  
537 termination of parental rights may not participate;

538 c. The current caregiver;

539 d. A representative from the department other than the  
540 Children's Legal Services attorney, when the department is  
541 directly involved in the goal identified by the staffing;

542 e. A representative from the community-based care lead  
543 agency, when the lead agency is directly involved in the goal  
544 identified by the staffing; and

545 f. The case manager for the child, or his or her case  
546 manager supervisor.

547 2. The multidisciplinary team must make reasonable efforts  
548 to have all mandatory invitees attend. However, the  
549 multidisciplinary team staffing may not be delayed if the  
550 invitees in subparagraph 1. fail to attend after being provided  
551 reasonable opportunities.

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552 (b) Based on the particular goal the multidisciplinary team  
553 staffing identifies as the purpose of convening the staffing as  
554 provided under subsection (5), the department or lead agency may  
555 also invite to the meeting other professionals, including, but  
556 not limited to:

557 1. A representative from Children's Medical Services;  
558 2. A guardian ad litem, if one is appointed;  
559 3. A school personnel representative who has direct contact  
560 with the child;

561 4. A therapist or other behavioral health professional, if  
562 applicable.

563 5. A mental health professional with expertise in sibling  
564 bonding, if the department or lead agency deems such expert is  
565 necessary; or

566 6. Other community providers of services to the child or  
567 stakeholders, when applicable.

568 (c) Each multidisciplinary team staffing must be led by a  
569 person who serves as a facilitator and whose main responsibility  
570 is to help team participants use the strengths within the family  
571 to develop a safe plan for the child. The person serving as the  
572 facilitator must be a trained professional who is otherwise  
573 required to attend the multidisciplinary team staffing under  
574 this section in his or her official capacity. Further, the  
575 trained professional serving as the facilitator does not need to  
576 be the same person for each meeting convened in a child's case  
577 under this section or in the service area of the designated lead  
578 agency handling a child's case.

579 (5) SCOPE OF MULTIDISCIPLINARY TEAM.—

580 (a) A multidisciplinary team staffing must be held when an

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581 important decision is required to be made about a child's life,  
582 including all of the following:

583 1. Initial placement decisions for a child who is placed in  
584 out-of-home care. A multidisciplinary team staffing required  
585 under this subparagraph may occur before the initial placement  
586 or, if a staffing is not possible before the initial placement,  
587 must occur as soon as possible after initial removal and  
588 placement to evaluate the appropriateness of the initial  
589 placement and to ensure that any adjustments to the placement,  
590 if necessary, are promptly handled.

591 2. Changes in physical custody after the child is placed in  
592 out-of-home care by a court and, if necessary, determination of  
593 an appropriate mandatory transition plan in accordance with s.  
594 39.4023.

595 3. Changes in a child's educational placement and, if  
596 necessary, determination of an appropriate mandatory transition  
597 plan in accordance with s. 39.4023.

598 4. Placement decisions for a child as required by  
599 subparagraph 1., subparagraph 2., or subparagraph 3. which  
600 involve sibling groups that require placement in accordance with  
601 s. 39.4024.

602 5. Any other important decisions in the child's life which  
603 are so complex that the department or appropriate community-  
604 based care lead agency determines convening a multidisciplinary  
605 team staffing is necessary to ensure the best interest of the  
606 child is maintained.

607 (b) This section does not apply to multidisciplinary team  
608 staffings that occur for one of the decisions specified in  
609 paragraph (a) and that are facilitated by a children's advocacy

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610 center in accordance with s. 39.3035. The children's advocacy  
611 center that facilitates a staffing is encouraged to include  
612 family members or other persons important to the family in the  
613 staffing if the children's advocacy center determines it is safe  
614 for the child to involve such persons.

615 (c) This section does not apply to placements made pursuant  
616 to s. 63.082(6).

617 (6) ASSESSMENTS.—

618 (a)1. The multidisciplinary team staffing participants  
619 must, before formulating a decision under this section, gather  
620 and consider data and information on the child which is known at  
621 the time, including, but not limited to:

622 a. The child's age, maturity, and strengths;

623 b. Mental, medical, behavioral health, and medication  
624 history;

625 c. Community ties and school placement;

626 d. The stability and longevity of the child's current  
627 placement;

628 e. The established bonded relationship between the child  
629 and the current or proposed caregiver;

630 f. The child's previous and current relationship with a  
631 sibling, if the change in physical custody or placement will  
632 separate or reunite siblings, evaluated in accordance with s.  
633 39.4024;

634 g. The physical, mental, and emotional health benefits to  
635 the child by remaining in his or her current placement or moving  
636 to the proposed placement;

637 h. The reasonable preference of the child, if the child is  
638 of sufficient age and capacity to express a preference;

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- 639 i. The recommendation of the child's current caregiver, if  
640 applicable;
- 641 j. The recommendation of the child's guardian ad litem, if  
642 one has been appointed;
- 643 k. The likelihood of the child attaining permanency in the  
644 current or proposed placement;
- 645 l. The likelihood that the child will have to change  
646 schools or day care placement, the impact of such a change, and  
647 the parties' recommendations as to the timing of the change,  
648 including an education transition plan required under s.  
649 39.4023;
- 650 m. The disruption of continuity of care with medical,  
651 mental health, behavioral health, dental, or other treatment  
652 services the child is receiving at the time of the change of  
653 custody decision;
- 654 n. The allegations of any abuse, abandonment, or neglect,  
655 including sexual abuse and trafficking history, which caused the  
656 child to be placed in out-of-home care and any history of  
657 additional allegations of abuse, abandonment, or neglect;
- 658 o. The impact on activities that are important to the  
659 child, including the ability of the child to continue in such  
660 activities;
- 661 p. The impact on the child's future access to education,  
662 Medicaid, and independent living benefits; and
- 663 q. Any other relevant factors.
- 664 2. Multidisciplinary team staffings may not be delayed to  
665 accommodate pending behavioral health screenings or assessments  
666 or pending referrals for services.
- 667 (b) The assessment conducted by the multidisciplinary team

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668 may also use an evidence-based assessment instrument or tool  
669 that is best suited for determining the specific decision of the  
670 staffing and the needs of that individual child and family.

671 (c) To adequately prepare for a multidisciplinary staffing  
672 team meeting to consider a decision related to a child 3 years  
673 of age or younger, all of the following information on the child  
674 which is known at the time must be gathered and considered by  
675 the team:

676 1. Identified kin and relatives who express interest in  
677 caring for the child, including strategies to overcome potential  
678 delays in placing the child with such persons if they are  
679 suitable.

680 2. The likelihood that the child can remain with the  
681 prospective caregiver past the point of initial removal and  
682 placement with, or subsequent transition to, the caregiver and  
683 the willingness of the caregiver to provide care for any  
684 duration deemed necessary if placement is made.

685 3. The prospective caregiver's ability and willingness to:

686 a. Accept supports related to early childhood development  
687 and services addressing any possible developmental delays;

688 b. Address the emotional needs of the child and accept  
689 infant mental health supports, if needed;

690 c. Help nurture the child during the transition into out-  
691 of-home care;

692 d. Work with the parent to build or maintain the attachment  
693 relationship between parent and child;

694 e. Effectively co-parent with the parent; and

695 f. Ensure frequent family visits and sibling visits.

696 4. Placement decisions for each child in out-of-home

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697 placement which are made under this paragraph must be reviewed  
698 as often as necessary to ensure permanency for that child and to  
699 address special issues that may arise which are unique to  
700 younger children.

701 (d)1. If the participants of a multidisciplinary team  
702 staffing reach a unanimous consensus decision, it becomes the  
703 official position of the community-based care lead agency  
704 regarding the decision under subsection (5) for which the team  
705 convened. Such decision is binding upon all department and lead  
706 agency participants, who are obligated to support it.

707 2. If the participants of a multidisciplinary team staffing  
708 cannot reach a unanimous consensus decision on a plan to address  
709 the identified goal, the trained professional acting as the  
710 facilitator shall notify the court and the department within 48  
711 hours after the conclusion of the staffing. The department shall  
712 then determine how to address the identified goal of the  
713 staffing by what is in the child's best interest.

714 (7) CONVENING A TEAM UPON REMOVAL.—The formation of a  
715 multidisciplinary team staffing must begin as soon as possible  
716 when a child is removed from a home. The multidisciplinary team  
717 must convene a staffing no later than 72 hours from the date of  
718 a subsequent removal in an emergency situation in accordance  
719 with s. 39.4023.

720 (8) REPORT.—If a multidisciplinary team staffing fails to  
721 reach a unanimous consensus decision, the facilitator must  
722 prepare and submit a written report to the court within 5  
723 business days after the conclusion of the staffing which details  
724 the decision made at the conclusion of the multidisciplinary  
725 team staffing under subsection (6) and the positions of the

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726 staffing's participants.

727 (9) CONFIDENTIALITY.—Notwithstanding any other provision of  
728 law, participants representing the department and the community-  
729 based care lead agency may discuss confidential information  
730 during a multidisciplinary team staffing in the presence of  
731 individuals who participate in the staffing. Information  
732 collected by any agency or entity that participates in the  
733 multidisciplinary team staffing which is confidential and exempt  
734 upon collection remains confidential and exempt when discussed  
735 in a staffing required under this section. All individuals who  
736 participate in the staffing shall maintain the confidentiality  
737 of any information shared during the staffing.

738 (10) CONSTRUCTION.—This section may not be construed to  
739 mean that multidisciplinary team staffings coordinated by the  
740 department or the appropriate lead agency for purposes other  
741 than those provided for in subsection (5) before October 1,  
742 2021, are no longer required to be conducted or are required to  
743 be conducted in accordance with this section. Further, this  
744 section may not be construed to create a duty on the department  
745 or lead agency to attend multidisciplinary staffings that the  
746 department or lead agency does not attend for any purpose  
747 specified in subsection (5) for which the department or lead  
748 agency is not required to attend before October 1, 2021.

749 (11) RULEMAKING.—The department shall adopt rules to  
750 implement this section.

751 Section 6. Section 39.4023, Florida Statutes, is created to  
752 read:

753 39.4023 Placement and education transitions; transition  
754 plans.—

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755 (1) LEGISLATIVE FINDINGS AND INTENT.-

756 (a) The Legislature finds that many children in out-of-home  
757 care experience multiple changes in placement, and those  
758 transitions often result in trauma not only for the child but  
759 also for caregivers, families, siblings, and all professionals  
760 involved.

761 (b) The Legislature further finds that poorly planned and  
762 executed or improperly timed transitions may adversely impact a  
763 child's healthy development as well as the child's continuing  
764 capacity to trust, attach to others, and build relationships in  
765 the future.

766 (c) The Legislature finds that the best child welfare  
767 practices recognize the need to prioritize the minimization of  
768 the number of placements for every child in out-of-home care.  
769 Further, the Legislature finds that efforts must be made to  
770 support caregivers in order to promote stability. When placement  
771 changes are necessary, they must be thoughtfully planned.

772 (d) The Legislature finds that transition plans are  
773 critical when moving all children, including infants, toddlers,  
774 school-age children, adolescents, and young adults.

775 (e) It is the intent of the Legislature that a placement  
776 change or an educational change for a child in out-of-home care  
777 be achieved ideally through a period of transition that is  
778 unique to each child, provides support for all individuals  
779 affected by the change, and has flexible planning to allow for  
780 changes necessary to meet the needs of the child.

781 (2) DEFINITIONS.-As used in this section, the term:

782 (a) "Educational change" means any time a child is moved  
783 between schools when such move is not the result of the natural

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784 transition from elementary school to middle school or middle  
785 school to high school. The term also includes changes in child  
786 care or early education programs for infants and toddlers.

787 (b) "Emergency situation" means that there is an imminent  
788 risk to the health or safety of the child, other children, or  
789 others in the home or facility if the child remains in the  
790 placement.

791 (c) "Placement change" means any time a child is moved from  
792 one caregiver to another, including moves to a foster home, a  
793 group home, relatives, prospective guardians, or prospective  
794 adoptive parents and reunification with parents or legal  
795 custodian. A child being moved temporarily to respite care for  
796 the purpose of providing the primary caregiver relief does not  
797 constitute a placement change.

798 (d) "School" means any child care, early education,  
799 elementary, secondary, or postsecondary educational setting.

800 (3) PLACEMENT TRANSITIONS.-

801 (a) Mandatory transition plans.-Except as otherwise  
802 provided, the department or the community-based care lead agency  
803 shall create and implement an individualized transition plan  
804 before each placement change experienced by a child.

805 (b) Minimizing placement transitions.-Once a caregiver  
806 accepts the responsibility of caring for a child, the child may  
807 be removed from the home of the caregiver only if:

- 808 1. The caregiver is unwilling or unable to safely or  
809 legally care for the child;  
810 2. The child and the birth or legal parent are reunified;  
811 3. The child is being placed in a legally permanent home in  
812 accordance with a case plan or court order; or

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813 4. The removal is demonstrably in the best interest of the  
814 child.

815 (c) Services to prevent disruption.—The community-based  
816 care lead agency shall provide any supportive services deemed  
817 necessary to a caregiver and a child if the child's current out-  
818 of-home placement with the caregiver is in danger of needing  
819 modification. The supportive services must be offered in an  
820 effort to remedy the factors contributing to the placement being  
821 considered unsuitable and therefore contributing to the need for  
822 a change in placement.

823 (d) Transition planning.—

824 1. If the supportive services provided pursuant to  
825 paragraph (c) have not been successful to make the maintenance  
826 of the placement suitable or if there are other circumstances  
827 that require the child to be moved, the department or the  
828 community-based care lead agency must convene a  
829 multidisciplinary team staffing as required under s. 39.4022  
830 before the child's placement is changed, or within 72 hours of  
831 moving the child in an emergency situation, for the purpose of  
832 developing an appropriate transition plan.

833 2. A placement change may occur immediately in an emergency  
834 situation without convening a multidisciplinary team staffing.  
835 However, a multidisciplinary team staffing must be held within  
836 72 hours after the emergency situation arises.

837 3. At least 14 days before moving a child from one out-of-  
838 home placement to another or within 72 hours after an emergency  
839 situation, the department or the community-based care lead  
840 agency must provide written notice of the planned move and must  
841 include in the notice the reason a placement change is

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842 necessary. A copy of the notice must be filed with the court and  
843 be provided to:

844 a. The child, unless he or she, due to age or capacity, is  
845 unable to comprehend the written notice, which will necessitate  
846 the department or lead agency to provide notice in an age- and  
847 capacity-appropriate alternative manner;

848 b. The child's parents, unless prohibited by court order;

849 c. The child's out-of-home caregiver;

850 d. The guardian ad litem, if one is appointed;

851 e. The attorney for the child, if one is appointed; and

852 f. The attorney for the department.

853 4.a. The transition plan must be developed through  
854 cooperation among the persons included in subparagraph 3., and  
855 such persons must share any relevant information necessary to  
856 ensure that the transition plan does all of the following:

857 (I) Respects the child's developmental stage and  
858 psychological needs.

859 (II) Ensures the child has all of his or her belongings and  
860 is allowed to help pack those belongings when appropriate.

861 (III) Allows for a gradual transition from the current  
862 caregiver's home with substantial overlap between the two  
863 caregivers and provides time for the child to have a final  
864 visitation with everyone important to the child from the current  
865 placement, including pets.

866 (IV) Allows, when possible, for continued contact with the  
867 previous caregiver and others in the home after the child  
868 leaves.

869 (V) Prohibits a placement change which occurs between 7  
870 p.m. and 8 a.m.

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871 b. However, this subparagraph is not applicable when the  
872 basis for a removal necessitating the transition plan is the  
873 result of an emergency situation due to direct safety concerns  
874 caused by a caregiver in the current placement.

875 5. The department or the community-based care lead agency  
876 shall file the transition plan with the court within 48 hours  
877 after the creation of such plan and provide a copy of the plan  
878 to the persons included in subparagraph 3.

879 (e) Additional considerations for transitions of infants  
880 and children under school age.—Relationship patterns over the  
881 first year of life are important predictors of future  
882 relationships. Research demonstrates that babies begin to form a  
883 strong attachment to a caregiver at approximately 7 months of  
884 age. From that period of time through age 2, moving a child from  
885 a caregiver who is the psychological parent is considerably more  
886 damaging. Placement decisions must focus on promoting security  
887 and continuity for infants and children under 5 years of age in  
888 out-of-home care. Transition plans for infants and young  
889 children must describe the facts that were considered when each  
890 of the following were discussed and must specify what decision  
891 was made as to how each of the following applies to the child:

892 1. The age of the child and the child's current ability to  
893 accomplish developmental tasks, with consideration made for  
894 whether the child is:

895 a. Six months of age or younger, thereby indicating that it  
896 may be in the child's best interest to move the child sooner  
897 rather than later; or

898 b. Seven months of age or older, but younger than 3 years  
899 of age, thereby indicating it may not be a healthy time to move

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900 the child.

901 2. The length of time the child has lived with the current  
902 caregiver, the strength of attachment to the current caregiver,  
903 and the harm of disrupting a healthy attachment compared to the  
904 possible advantage of a change in placement.

905 3. The relationship, if any, the child has with the new  
906 caregiver and whether a reciprocal agreement exists between the  
907 current caregiver and the prospective caregiver to maintain the  
908 child's relationship with both caregivers.

909 4. The pace of the transition and whether flexibility  
910 exists to accelerate or slow down the transition based on the  
911 child's needs and reactions.

912 (f) Preparation of prospective caregivers before  
913 placement.—

914 1. Prospective caregivers must be fully informed of the  
915 child's needs and circumstances and be willing and able to  
916 accept responsibility for providing high-quality care for such  
917 needs and circumstances before placement.

918 2. The community-based care lead agency shall review with  
919 the prospective caregiver the caregiver's roles and  
920 responsibilities according to the parenting partnerships plan  
921 for children in out-of-home care pursuant to s. 409.1415. The  
922 case manager shall sign a copy of the parenting partnerships  
923 plan and obtain the signature of the prospective caregiver  
924 acknowledging explanation of the requirements before placement.

925 (4) EDUCATION TRANSITIONS.—

926 (a) Findings.—Children in out-of-home care frequently  
927 change child care, early education programs, and schools. These  
928 changes can occur when the child first enters out-of-home care,

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929 when the child must move from one caregiver to another, or when  
930 the child returns home upon reunification. Research shows that  
931 children who change schools frequently make less academic  
932 progress than their peers and fall further behind with each  
933 school change. Additionally, educational instability at any  
934 level makes it difficult for children to develop supportive  
935 relationships with teachers or peers. State and federal law  
936 contain requirements that must be adhered to in order to ensure  
937 educational stability for a child in out-of-home care. A child's  
938 educational setting should only be changed when maintaining the  
939 educational setting is not in the best interest of the child.

940 (b) *Mandatory educational transition plans.*—The department  
941 or the community-based care lead agency shall create and  
942 implement an individualized transition plan each time a child  
943 experiences a school change.

944 (c) *Minimizing school changes.*—

945 1. Every effort must be made to keep a child in the school  
946 of origin. Any placement decision must include thoughtful  
947 consideration of which school a child will attend if a school  
948 change is necessary.

949 2. A determination that it is not the child's best interest  
950 to remain in the school of origin and of which school the child  
951 will attend in the future must be made in consultation with the  
952 following individuals, including, but not limited to, the child;  
953 the parents; the caregiver; the child welfare professional; the  
954 guardian ad litem, if appointed; the educational surrogate, if  
955 appointed; child care and educational staff, including teachers  
956 and guidance counselors; and the school district representative  
957 or foster care liaison.

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- 958       3. If a determination is made that remaining in the school  
959 or program of origin is not in the child's best interest,  
960 selection of a new school or program must consider relevant  
961 factors, including, but not limited to:
- 962       a. The child's desire to remain in the school or program of  
963 origin.
- 964       b. The preference of the child's parents or legal  
965 guardians.
- 966       c. Whether the child has siblings, close friends, or  
967 mentors at the school or program of origin.
- 968       d. The child's cultural and community connections in the  
969 school or program of origin.
- 970       e. Whether the child is suspected of having a disability  
971 under the Individuals with Disabilities Education Act (IDEA) or  
972 s. 504 of the Rehabilitation Act of 1973, or has begun receiving  
973 interventions under this state's multitiered system of supports.
- 974       f. Whether the child has an evaluation pending for special  
975 education and related services under IDEA or s. 504 of the  
976 Rehabilitation Act of 1973.
- 977       g. Whether the child is a student with a disability under  
978 IDEA who is receiving special education and related services or  
979 a student with a disability under s. 504 of the Rehabilitation  
980 Act of 1973 who is receiving accommodations and services and, if  
981 so, whether those required services are available in a school or  
982 program other than the school or program of origin.
- 983       h. Whether the child is an English Language Learner student  
984 and is receiving language services, and if so, whether those  
985 required services are available in a school or program other  
986 than the school or program of origin.

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987 i. The impact a change to the school or program of origin  
988 would have on academic credits and progress toward promotion.

989 j. The availability of extracurricular activities important  
990 to the child.

991 k. The child's known individualized educational plan or  
992 other medical and behavioral health needs and whether such plan  
993 or needs are able to be met at a school or program other than  
994 the school or program of origin.

995 l. The child's permanency goal and timeframe for achieving  
996 permanency.

997 m. The child's history of school transfers and how such  
998 transfers have impacted the child academically, emotionally, and  
999 behaviorally.

1000 n. The length of the commute to the school or program from  
1001 the child's home or placement and how such commute would impact  
1002 the child.

1003 o. The length of time the child has attended the school or  
1004 program of origin.

1005 4. The cost of transportation cannot be a factor in making  
1006 a best interest determination.

1007 (d) *Transitions between child care and early education*  
1008 programs.—When a child enters out-of-home care or undergoes a  
1009 placement change, the child shall, if possible, remain with a  
1010 familiar child care provider or early education program unless  
1011 there is an opportunity to transition to a higher quality  
1012 program. If it is not possible for the child to remain with the  
1013 familiar child care provider or early education program or  
1014 transition to a higher quality program, the child's transition  
1015 plan must be made with the participation of the child's current

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1016 and future school or program. The plan must give the child an  
1017 opportunity to say goodbye to important figures in the  
1018 educational environment.

1019 (e) Transitions between K-12 schools.—The transition plan  
1020 for a transition between K-12 schools must include all of the  
1021 following:

1022 1. Documentation that the department or community-based  
1023 care lead agency has made the decision to change the child's  
1024 school in accordance with paragraph (c). The plan must include a  
1025 detailed discussion of all factors considered in reaching the  
1026 decision to change the child's school.

1027 2. Documentation that the department or community-based  
1028 care lead agency has coordinated with local educational agencies  
1029 to provide immediate and appropriate enrollment in a new school,  
1030 including transfer of educational records, any record of a  
1031 school-entry health examination, and arrangements for  
1032 transportation to the new school.

1033 3. Discussion of the timing of the proposed school change  
1034 which addresses the potential impact on the child's education  
1035 and extracurricular activities. This section must include, at a  
1036 minimum, grading periods, exam schedules, credit acquisitions,  
1037 sports eligibility, and extracurricular participation.

1038 4. Details concerning the transportation of the child to  
1039 school.

1040 (5) TRANSITION PLAN AND DOCUMENTATION.—

1041 (a) The department, in collaboration with the Quality  
1042 Parenting Initiative, shall develop a form to be completed and  
1043 updated each time a child in out-of-home care is moved from one  
1044 placement to another.

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1045 (b) A completed form must be attached to the case record  
1046 face sheet required to be included in the case file pursuant to  
1047 s. 39.00146. The form must be used statewide and, at a minimum,  
1048 must include all of the following information:

1049 1. The membership of the multidisciplinary team staffing  
1050 convened under s. 39.4022 to develop a transition plan for the  
1051 change in placement and the dates on which the team met.

1052 2. The name of the person who served as the facilitator in  
1053 that specific multidisciplinary team staffing.

1054 3. The topics considered by the multidisciplinary team  
1055 staffing in order to ensure an appropriate transition.

1056 4. The recommendations of the multidisciplinary team and  
1057 the name of each individual or entity responsible for carrying  
1058 out each recommendation.

1059 (c) The department or the community-based care lead agency  
1060 shall document all multidisciplinary team staffings and  
1061 placement transition decisions in the Florida Safe Families  
1062 Network and must include the information in the social study  
1063 report for judicial review, as required under s. 39.701.

1064 (6) EXEMPTION.—Placements made pursuant to s. 63.082(6) are  
1065 exempt from this section.

1066 (7) RULEMAKING.—The department shall adopt rules to  
1067 implement this section.

1068 Section 7. Section 39.4024, Florida Statutes, is created to  
1069 read:

1070 39.4024 Placement of siblings; visitation; continuing  
1071 contact.—

1072 (1) LEGISLATIVE FINDINGS.—

1073 (a) The Legislature finds that sibling relationships can

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1074 provide a significant source of continuity throughout a child's  
1075 life and are likely to be the longest relationships that most  
1076 individuals experience. Further, the placement of siblings  
1077 together can increase the likelihood of achieving permanency and  
1078 is associated with a significantly higher rate of family  
1079 reunification.

1080 (b) The Legislature finds that it is beneficial for a child  
1081 who is placed in out-of-home care to be able to continue  
1082 existing relationships with his or her siblings, regardless of  
1083 age, so that they may share their strengths and association in  
1084 their everyday and often common experiences.

1085 (c) The Legislature also finds that healthy connections  
1086 with siblings can serve as a protective factor for children who  
1087 have been placed in out-of-home care. The Legislature finds that  
1088 child protective investigators and caseworkers should be aware  
1089 of the variety of demographic and external situational factors  
1090 that may present challenges to placement in order to identify  
1091 such factors relevant to a particular group of siblings and  
1092 ensure that these factors are not the sole reasons that siblings  
1093 are not placed together.

1094 (d) The Legislature also finds that it is the  
1095 responsibility of all entities and adults involved in a child's  
1096 life, including, but not limited to, the department, community-  
1097 based care lead agencies, parents, foster parents, guardians ad  
1098 litem, next of kin, and other persons important to the child to  
1099 seek opportunities to foster sibling relationships to promote  
1100 continuity and help sustain family connections.

1101 (e) While there is a presumption in law and policy that it  
1102 is in the best interest of a child going into out-of-home care

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1103 to be placed with any siblings, the Legislature finds that  
1104 overall well-being of the child and family improves when the  
1105 person or team responsible for placement decisions evaluates the  
1106 child's sibling and family bonds and prioritizes the bonds that  
1107 are unique drivers of the child's ability to maintain and  
1108 develop healthy relationships. The person or team with an  
1109 understanding of the need to balance all attachment bonds of a  
1110 child and the potential need to prioritize existing and healthy  
1111 sibling relationships differently than a potential or unhealthy  
1112 sibling relationship over a healthy existing bond with a  
1113 caregiver will result in more stable and healthier placements  
1114 for all children in out-of-home care.

1115 (2) DEFINITIONS.—As used in this section, the term:

1116 (a) "Lead agency" means a community-based care lead agency  
1117 under contract with the department to provide care to children  
1118 in foster care under chapter 409.

1119 (b) "Multidisciplinary team" has the same meaning as  
1120 provided in s. 39.4022.

1121 (c) "Sibling" means:

1122 1. A child who shares a birth parent or legal parent with  
1123 one or more other children; or

1124 2. A child who has lived together in a family with one or  
1125 more other children whom he or she identifies as siblings.

1126 (3) PLACEMENT OF SIBLINGS IN OUT-OF-HOME CARE.—

1127 (a) General provisions.—

1128 1. The department or lead agency shall make reasonable  
1129 efforts to place sibling groups that are removed from their home  
1130 in the same foster, kinship, adoptive, or guardianship home when  
1131 it is in the best interest of each sibling and when an

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1132 appropriate, capable, and willing joint placement for the  
1133 sibling group is available.

1134 2. If a child enters out-of-home care after his or her  
1135 sibling, the department or lead agency and the multidisciplinary  
1136 team shall make reasonable efforts to initially place the child  
1137 who has entered out-of-home care with his or her siblings in the  
1138 sibling's existing placement, provided it would not jeopardize  
1139 the stability of such placement and it is in the best interest  
1140 for each child.

1141 3. When determining whether to move a child from a current  
1142 placement to a new placement when such change is initiated by a  
1143 sibling relationship, all relevant factors must be considered by  
1144 the multidisciplinary team to ensure that the child is best  
1145 served by the decision. A uniform policy that does not consider  
1146 and apply a balancing test to ensure all existing attachment  
1147 bonds for a child and his or her siblings are honored and  
1148 evaluated holistically may result in placement decisions or  
1149 changes of placement decisions that may result in additional  
1150 trauma.

1151 4. The department and the court are not required to make a  
1152 change in placement, whether such change is to the physical  
1153 residential address of the child or the legal custody of the  
1154 child, to develop a relationship between siblings which did not  
1155 exist at the time a child is placed in out-of-home care.

1156 (b) Factors to consider when placing sibling groups.-

1157 1. At the time a child who is a part of a sibling group is  
1158 removed from the home, the department or lead agency shall  
1159 convene a multidisciplinary team staffing in accordance with s.  
1160 39.4022 to determine and assess the sibling relationships from

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1161 the perspective of each child to ensure the best placement of  
1162 each child in the sibling group. The multidisciplinary team  
1163 shall consider all relevant factors included in s. 39.4022 and  
1164 this section, including, but not limited to, the existing  
1165 emotional ties between and among the siblings, the degree of  
1166 harm each child is likely to experience as a result of  
1167 separation, and the standard protocols established by the  
1168 Quality Parenting Initiative under paragraph (d).

1169 2.a. If the department or the appropriate lead agency is  
1170 able to locate a caregiver that will accept the sibling group  
1171 and the multidisciplinary team determines that the placement is  
1172 suitable for each child, the sibling group must be placed  
1173 together.

1174 b. If the department or appropriate lead agency is not able  
1175 to locate a caregiver or placement option that allows the  
1176 sibling group to be placed together in an initial placement, the  
1177 department or lead agency must make all reasonable efforts to  
1178 ensure contact and visitation between siblings placed in  
1179 separate out-of-home care placements and provide reviews of the  
1180 placements in accordance with this section.

1181 3. If all the siblings are unable to be placed in an  
1182 existing placement and the siblings do not have an existing  
1183 relationship, when determining whether to move any child who is  
1184 part of the sibling group from his or her current placement to a  
1185 new placement that will unite the sibling group, the department  
1186 or lead agency must consider all of the following additional  
1187 factors:

1188 a. The presence and quality of current attachment  
1189 relationships, including:

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1190 (I) The quality and length of the attachment of the child  
1191 to both the current and prospective caregiver;

1192 (II) The age of the child at placement with the current  
1193 caregiver and the child's current age as well as the ages of any  
1194 siblings;

1195 (III) The ease with which the child formed an attachment to  
1196 the current family;

1197 (IV) Any indications of attachment difficulty in the  
1198 child's history; and

1199 (V) The number of moves and number of caregivers the child  
1200 has experienced.

1201 b. The potential of the new caregiver to be a primary  
1202 attachment figure to the sibling group by ensuring care for each  
1203 child's physical needs and the willingness and availability to  
1204 meet the each child's emotional needs.

1205 c. The quality of existing sibling relationships and the  
1206 potential quality of sibling relationships that can be formed  
1207 between the children.

1208 d. The consideration of any costs and benefits of  
1209 disrupting existing emotional attachments to a primary caregiver  
1210 to place children in a new placement with siblings, including:

1211 (I) The length and quality of the established and current  
1212 primary attachment relationships between the siblings and  
1213 between the siblings and their current caregivers; and

1214 (II) Relationships between any other siblings and whether  
1215 such relationships appear adequate and not stressful or harmful.

1216 e. The ability to establish and maintain sibling visitation  
1217 and contact pursuant to this section in a manner and schedule  
1218 that makes sense for an infant or young child if it is

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1219 determined that the infant or young child is to remain with his  
1220 or her primary caregivers rather than be placed with his or her  
1221 siblings.

1222 f. The ability to establish and maintain contact with the  
1223 sibling and new caregiver as part of a transition plan developed  
1224 in accordance with paragraph (c) and s. 39.4023 before changing  
1225 the child's placement to allow the child, his or her siblings,  
1226 and new caregiver to adjust and form bonds.

1227 (c) Transitioning a child after a determination.—If after  
1228 considering the provisions and factors described in paragraphs  
1229 (a) and (b) it is determined that the child would benefit from  
1230 being placed with his or her siblings, the transition of the  
1231 child to the new home must be carried out gradually in  
1232 accordance with s. 39.4023.

1233 (d) Standards for evaluating sibling placements.—The  
1234 department, in collaboration with the Quality Parenting  
1235 Initiative, must develop standard protocols for the department  
1236 and lead agency which incorporate the provisions and factors  
1237 described in paragraphs (a), (b), and (c) and any other factors  
1238 deemed relevant for use in making decisions about when placing  
1239 siblings together would be contrary to a child's well-being or  
1240 safety or decisions providing for frequent visitation and  
1241 contact under subsection (4).

1242 (4) MAINTAINING CONTACT WHEN SIBLINGS ARE SEPARATED.—

1243 (a) Regular contact among a sibling group that cannot be  
1244 placed together, especially among siblings with existing  
1245 attachments to each other, is critical for the siblings to  
1246 maintain their existing bonds and relationships or to develop  
1247 such bonds and attachments, if appropriate. The following

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1248 practices must be considered in helping to maintain or  
1249 strengthen the relationships of separated siblings:

1250 1. Respect and support the child's ties to his or her birth  
1251 or legal family, including parents, siblings, and extended  
1252 family members, must be provided by the caregiver, and he or she  
1253 must assist the child in maintaining allowable visitation and  
1254 other forms of communication. The department and lead agency  
1255 shall provide a caregiver with the information, guidance,  
1256 training, and support necessary for fulfilling this  
1257 responsibility.

1258 2. Provide adequate support to address any caregiver  
1259 concerns and to enhance the caregiver's ability to facilitate  
1260 contact between siblings who are not in the same out-of-home  
1261 placement and promote the benefits of sibling contact.

1262 3. Prioritize placements with kinship caregivers who have  
1263 an established personal relationship with each child so that  
1264 even when siblings cannot be placed together in the same home,  
1265 kinship caregivers are more likely to facilitate contact.

1266 4. Prioritize placement of siblings geographically near  
1267 each other, such as in the same neighborhood or school district,  
1268 to make it easier for the siblings to see each other regularly.

1269 5. Encourage frequent and regular visitation, if the  
1270 siblings choose to do so, to allow the children to be actively  
1271 involved in each other's lives and to participate in  
1272 celebrations, including, but not limited to, birthdays,  
1273 graduations, holidays, school and extracurricular activities,  
1274 cultural customs, and other milestones.

1275 6. Provide other forms of contact when regular in-person  
1276 meetings are not possible or are not sufficient to meet the

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1277 needs or desires of the siblings, such as maintaining frequent  
1278 contact through letters, e-mail, social media, cards, or  
1279 telephone calls.

1280 7. Coordinate, when possible, joint outings or summer or  
1281 weekend camp experiences to facilitate time together, including,  
1282 but not limited to, activities or camps specifically designed  
1283 for siblings in out-of-home care.

1284 8. Encourage joint respite care to assist the caregivers  
1285 who are caring for separated siblings to have needed breaks  
1286 while also facilitating contact among the siblings, including,  
1287 but not limited to, providing babysitting or respite care for  
1288 each other. A child being moved temporarily as respite care for  
1289 the purpose of providing the primary caregiver relief and  
1290 encouraging and facilitating contact among the siblings does not  
1291 constitute a placement change or require the convening of a  
1292 multidisciplinary team.

1293 9. Prohibit the withholding communication or visitation  
1294 among the siblings as a form of punishment.

1295 (b) The court may limit or restrict communication or  
1296 visitation under this subsection only upon a finding by clear  
1297 and convincing evidence that the communication or visitation is  
1298 harmful to the child. If the court makes such a finding, it must  
1299 direct the department or lead agency to immediately provide  
1300 services to ameliorate the harm so that communication and  
1301 visitation may be restored as soon as possible.

1302 (5) SUBSEQUENT REVIEWS.—

1303 (a) The department and the lead agency shall periodically,  
1304 but at least once every 6 months, reassess sibling placement,  
1305 visitation, and other sibling contact decisions in cases where

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1306 siblings are separated, not visiting, or not maintaining contact  
1307 to determine if a change in placement is warranted unless the  
1308 decision to not place a child with his or her sibling group was  
1309 made due to such placement being inappropriate, unhealthy, or  
1310 unsafe for the child.

1311 (b) If a child in a sibling group who has been placed in an  
1312 out-of-home care placement with his or her siblings does not  
1313 adjust to the placement, the lead agency must provide services  
1314 to the caregiver and sibling group in accordance with s.  
1315 39.4023(3) to try to prevent the disruption of the placement. If  
1316 after reasonable efforts are made under s. 39.4023(3), the child  
1317 still has not adjusted to the out-of-home placement, a  
1318 multidisciplinary team staffing must be convened to determine  
1319 what is best for all of the children. The multidisciplinary team  
1320 shall review the current placement of the sibling group and  
1321 choose a plan that will be least detrimental to each child. If  
1322 the team determines that the best decision is to move the child  
1323 who has not adjusted to a new out-of-home placement, the team  
1324 must develop a transition plan in accordance with ss. 39.4022  
1325 and 39.4023 which ensures the opportunity for the siblings to  
1326 maintain contact in accordance with subsection (4) of this  
1327 section.

1328 (c) If it becomes known that a child in out-of-home care  
1329 has a sibling of whom the child, department, or lead agency was  
1330 previously unaware, the department or lead agency must convene a  
1331 multidisciplinary team staffing within a reasonable amount of  
1332 time after the discovery of such sibling to decide if the  
1333 current placement or permanency plan requires modification.

1334 (6) ADDITIONAL REQUIREMENTS AND CONSIDERATIONS.-

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1335 (a) The department shall promptly provide a child with the  
1336 location of and contact information for his or her siblings. If  
1337 the existence or location of or contact information for a  
1338 child's siblings is not known, the department must make  
1339 reasonable efforts to ascertain such information.

1340 (b) If a child's sibling is also in out-of-home care and  
1341 such sibling leaves out-of-home care for any reason, including,  
1342 but not limited to, emancipation, adoption, or reunification  
1343 with his or her parent or guardian, the child has a right to  
1344 continued communication with his or her sibling as provided  
1345 under subsection (4) either:

1346 1. Upon consent by the legally emancipated sibling, the  
1347 sibling's adoptive parent, or the parent with whom the sibling  
1348 was reunified; or

1349 2. By order of the court that is considering the adoption  
1350 or reunification of the sibling who is leaving out-of-home care,  
1351 provided the court determines that such communication is in the  
1352 best interest of each sibling.

1353 (c) The department or the lead agency must document in  
1354 writing any decision to separate siblings in the case file as  
1355 required in s. 39.00146 and document the decision in the Florida  
1356 Safe Families Network. The documentation must include any  
1357 efforts made to keep the siblings together, an assessment of the  
1358 short-term and long-term effects of separation on each child and  
1359 the sibling group as a whole, and a description of the plan for  
1360 communication or contact between the children if separation is  
1361 approved.

1362 (7) EXEMPTION.—Placements made pursuant to s. 63.082(6) are  
1363 exempt from this section.

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1364 (8) RULEMAKING AUTHORITY.—The department shall adopt rules  
1365 to implement this section.

1366 Section 8. Section 39.522, Florida Statutes, is amended to  
1367 read:

1368 39.522 Postdisposition change of custody.—

1369 (1) The court may change the temporary legal custody or the  
1370 conditions of protective supervision at a postdisposition  
1371 hearing, without the necessity of another adjudicatory hearing.

1372 (2) (a) ~~(1) (a)~~ At any time before a child is residing in the  
1373 permanent placement approved at the permanency hearing, a child  
1374 who has been placed in the child's own home under the protective  
1375 supervision of an authorized agent of the department, in the  
1376 home of a relative, in the home of a legal custodian, or in some  
1377 other place may be brought before the court by the department or  
1378 by any other interested person, upon the filing of a motion  
1379 alleging a need for a change in the conditions of protective  
1380 supervision or the placement. If any party or the current  
1381 caregiver denies ~~the parents or other legal custodians deny~~ the  
1382 need for a change, the court shall hear all parties in person or  
1383 by counsel, or both.

1384 (b) Upon the admission of a need for a change or after such  
1385 hearing, the court shall enter an order changing the placement,  
1386 modifying the conditions of protective supervision, or  
1387 continuing the conditions of protective supervision as ordered.  
1388 The standard for changing custody of the child shall be the best  
1389 interests of the child. When determining whether a change of  
1390 legal custody or placement is in the best interests of the  
1391 child, the court shall consider the factors listed in s. 39.4022  
1392 and the report filed by the multidisciplinary team, if

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1393 applicable, unless the change of custody or placement is made  
1394 pursuant to s. 63.082(6). The court shall also consider the  
1395 priority of placements established under s. 39.4021 when making  
1396 a decision regarding the best interest of the child in out-of-  
1397 home care:

1398 ~~1. The child's age.~~

1399 ~~2. The physical, mental, and emotional health benefits to~~  
1400 ~~the child by remaining in his or her current placement or moving~~  
1401 ~~to the proposed placement.~~

1402 ~~3. The stability and longevity of the child's current~~  
1403 ~~placement.~~

1404 ~~4. The established bonded relationship between the child~~  
1405 ~~and the current or proposed caregiver.~~

1406 ~~5. The reasonable preference of the child, if the court has~~  
1407 ~~found that the child is of sufficient intelligence,~~  
1408 ~~understanding, and experience to express a preference.~~

1409 ~~6. The recommendation of the child's current caregiver.~~

1410 ~~7. The recommendation of the child's guardian ad litem, if~~  
1411 ~~one has been appointed.~~

1412 ~~8. The child's previous and current relationship with a~~  
1413 ~~sibling, if the change of legal custody or placement will~~  
1414 ~~separate or reunite siblings.~~

1415 ~~9. The likelihood of the child attaining permanency in the~~  
1416 ~~current or proposed placement.~~

1417 ~~10. Any other relevant factors.~~

1418 (c) (b) If the child is not placed in foster care, the new  
1419 placement for the child must meet the home study criteria and  
1420 court approval under this chapter.

1421 (3) (a) For purposes of this subsection, the term "change in

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1422 physical custody” means a change by the department or community-  
1423 based care lead agency to the child’s physical residential  
1424 address, regardless of whether such change requires a court  
1425 order to change the legal custody of the child. However, this  
1426 term does not include a change in placement made pursuant to s.  
1427 63.082(6).

1428 (b)1. In a hearing on the change of physical custody under  
1429 this section, there shall be a rebuttable presumption that it is  
1430 in the child’s best interest to remain permanently in his or her  
1431 current physical placement if:

1432 a. The child has been in the same safe and stable placement  
1433 for 9 consecutive months or more;

1434 b. Reunification is not a permanency option for the child;

1435 c. The caregiver is able, willing, and eligible for  
1436 consideration as an adoptive parent or permanent custodian for  
1437 the child;

1438 d. The caregiver is not requesting the change in physical  
1439 placement; and

1440 e. The change in physical placement being sought is not to  
1441 reunify the child with his or her parent or sibling or  
1442 transition the child from a safe and stable nonrelative  
1443 caregiver to a safe and stable relative caregiver.

1444 2. In order to rebut the presumption established in this  
1445 paragraph, the court shall hold an evidentiary hearing on the  
1446 change in physical custody to determine if the change in  
1447 placement is in the best interest of the child. As part of the  
1448 evidentiary hearing, the court must consider competent and  
1449 substantial evidence and testimony related to the factors  
1450 enumerated in s. 39.4022 and any other evidence deemed relevant

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1451 to a determination of placement, including evidence from a  
1452 court-selected neutral and independent expert in the science and  
1453 research of child-parent bonding and attachment.

1454 3. This presumption may not be rebutted solely by the  
1455 expressed wishes of a biological parent, a biological relative,  
1456 or a caregiver of a sibling of the child.

1457 (c)1. The department or community-based care lead agency  
1458 must notify a current caregiver who has been in the physical  
1459 custody placement for at least 9 consecutive months and who  
1460 meets all the established criteria in paragraph (b) of an intent  
1461 to change the physical custody of the child, and a  
1462 multidisciplinary team staffing must be held in accordance with  
1463 ss. 39.4022 and 39.4023 at least 21 days before the intended  
1464 date for the child's change in physical custody. If there is not  
1465 a unanimous consensus decision reached by the multidisciplinary  
1466 team, the department's official position must be provided to the  
1467 parties within the designated time period as provided for in s.  
1468 39.4022.

1469 2. A caregiver who objects to the department's official  
1470 position on the change in physical custody must notify the court  
1471 and the department or community-based care lead agency of his or  
1472 her objection and the intent to request an evidentiary hearing  
1473 in writing in accordance with this section within 5 days of  
1474 receiving notice of the department's official position provided  
1475 under subparagraph 1. The transition of the child to the new  
1476 caregiver may not begin before the expiration of the 5-day  
1477 period within which the current caregiver may object.

1478 3. Upon the department or community-based care lead agency  
1479 receiving written notice of the caregiver's objection, the

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1480 change to the child's physical custody must be placed in  
1481 abeyance and the child may not be transitioned to a new physical  
1482 placement without a court order.

1483 4. Within 7 days after receiving written notice from the  
1484 caregiver, the court must conduct an initial case status  
1485 hearing, at which time the court must:

1486 a. Grant party status to the current caregiver who is  
1487 seeking permanent custody and has maintained physical custody of  
1488 that child for at least 9 continuous months;

1489 b. Appoint an attorney for the child who is the subject of  
1490 the permanent custody proceeding, in addition to the guardian ad  
1491 litem, if one is appointed;

1492 c. Advise the caregiver of his or her right to retain  
1493 counsel for purposes of the evidentiary hearing; and

1494 d. Appoint a court-selected neutral and independent expert  
1495 in the science and research of child-parent bonding and  
1496 attachment.

1497 (d) The court must conduct the evidentiary hearing and  
1498 provide a written order of its findings regarding the placement  
1499 that is in the best interest of the child no later than 90 days  
1500 from the date the caregiver provided written notice to the court  
1501 under this subsection. The court must provide its written order  
1502 to the department or community-based care lead agency, the  
1503 caregiver, and the prospective caregiver. The party status  
1504 granted to the current caregiver under sub-subparagraph (c)4.a.  
1505 terminates upon the written order by the court, or upon the 90-  
1506 day time limit established in this paragraph, whichever occurs  
1507 first.

1508 (e) If the court orders that the physical custody of the

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1509 child change from the current caregiver after the evidentiary  
1510 hearing, the department or community-based care lead agency must  
1511 implement the appropriate transition plan developed in  
1512 accordance with ss. 39.4022 and 39.4023 or as ordered by the  
1513 court.

1514 (4)~~(2)~~ In cases where the issue before the court is whether  
1515 a child should be reunited with a parent, the court shall review  
1516 the conditions for return and determine whether the  
1517 circumstances that caused the out-of-home placement and issues  
1518 subsequently identified have been remedied to the extent that  
1519 the return of the child to the home with an in-home safety plan  
1520 prepared or approved by the department will not be detrimental  
1521 to the child's safety, well-being, and physical, mental, and  
1522 emotional health.

1523 (5)~~(3)~~ In cases where the issue before the court is whether  
1524 a child who is placed in the custody of a parent should be  
1525 reunited with the other parent upon a finding that the  
1526 circumstances that caused the out-of-home placement and issues  
1527 subsequently identified have been remedied to the extent that  
1528 the return of the child to the home of the other parent with an  
1529 in-home safety plan prepared or approved by the department will  
1530 not be detrimental to the child, the standard shall be that the  
1531 safety, well-being, and physical, mental, and emotional health  
1532 of the child would not be endangered by reunification and that  
1533 reunification would be in the best interest of the child.

1534 (6)~~(4)~~ In cases in which the issue before the court is  
1535 whether to place a child in out-of-home care after the child was  
1536 placed in the child's own home with an in-home safety plan or  
1537 the child was reunified with a parent or caregiver with an in-

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1538 home safety plan, the court must consider, at a minimum, the  
1539 following factors in making its determination whether to place  
1540 the child in out-of-home care:

1541 (a) The circumstances that caused the child's dependency  
1542 and other subsequently identified issues.

1543 (b) The length of time the child has been placed in the  
1544 home with an in-home safety plan.

1545 (c) The parent's or caregiver's current level of protective  
1546 capacities.

1547 (d) The level of increase, if any, in the parent's or  
1548 caregiver's protective capacities since the child's placement in  
1549 the home based on the length of time the child has been placed  
1550 in the home.

1551  
1552 The court shall additionally evaluate the child's permanency  
1553 goal and change the permanency goal as needed if doing so would  
1554 be in the best interests of the child. If the court changes the  
1555 permanency goal, the case plan must be amended pursuant to s.  
1556 39.6013(5).

1557 Section 9. Subsections (2) and (5) of section 39.523,  
1558 Florida Statutes, are amended to read:

1559 39.523 Placement in out-of-home care.—

1560 (2) ASSESSMENT AND PLACEMENT.—When any child is removed  
1561 from a home and placed in ~~into~~ out-of-home care, a comprehensive  
1562 placement assessment process shall be completed in accordance  
1563 with s. 39.4022 to determine the level of care needed by the  
1564 child and match the child with the most appropriate placement.

1565 (a) The community-based care lead agency or subcontracted  
1566 agency with the responsibility for assessment and placement must

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1567 coordinate a multidisciplinary team staffing as established in  
1568 s. 39.4022 with the necessary participants for the stated  
1569 purpose of the staffing with any available individual currently  
1570 ~~involved with the child including, but not limited to, a~~  
1571 ~~representative from the department and the case manager for the~~  
1572 ~~child; a therapist, attorney ad litem, guardian ad litem,~~  
1573 ~~teachers, coaches, Children's Medical Services; and other~~  
1574 ~~community providers of services to the child or stakeholders as~~  
1575 ~~applicable. The team may also include clergy, relatives, and~~  
1576 ~~fictive kin if appropriate. Team participants must gather data~~  
1577 ~~and information on the child which is known at the time~~  
1578 ~~including, but not limited to:~~

- 1579 1. ~~Mental, medical, behavioral health, and medication~~  
1580 ~~history;~~
- 1581 2. ~~Community ties and school placement;~~
- 1582 3. ~~Current placement decisions relating to any siblings;~~
- 1583 4. ~~Alleged type of abuse or neglect including sexual abuse~~  
1584 ~~and trafficking history; and~~
- 1585 5. ~~The child's age, maturity, strengths, hobbies or~~  
1586 ~~activities, and the child's preference for placement.~~

1587 (b) The comprehensive placement assessment process may also  
1588 include the use of an assessment instrument or tool that is best  
1589 suited for the individual child.

1590 (c) The most appropriate available out-of-home placement  
1591 shall be chosen after consideration by all members of the  
1592 multidisciplinary team of all of the information and data  
1593 gathered, including the results and recommendations of any  
1594 evaluations conducted.

1595 (d) Placement decisions for each child in out-of-home

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1596 placement shall be reviewed as often as necessary to ensure  
1597 permanency for that child and address special issues related to  
1598 this population of children.

1599 (e) The department, a sheriff's office acting under s.  
1600 39.3065, a community-based care lead agency, or a case  
1601 management organization must document all placement assessments  
1602 and placement decisions in the Florida Safe Families Network.

1603 (f) If it is determined during the comprehensive placement  
1604 assessment process that residential treatment as defined in s.  
1605 39.407 would be suitable for the child, the procedures in that  
1606 section must be followed.

1607 (5) RULEMAKING.—The department shall ~~may~~ adopt rules to  
1608 implement this section.

1609 Section 10. Paragraph (e) of subsection (1) of section  
1610 39.806, Florida Statutes, is amended to read:

1611 39.806 Grounds for termination of parental rights.—

1612 (1) Grounds for the termination of parental rights may be  
1613 established under any of the following circumstances:

1614 (e) When a child has been adjudicated dependent, a case  
1615 plan has been filed with the court, and:

1616 1. The child continues to be abused, neglected, or  
1617 abandoned by the parent or parents. The failure of the parent or  
1618 parents to substantially comply with the case plan for a period  
1619 of 12 months after an adjudication of the child as a dependent  
1620 child or the child's placement into shelter care, whichever  
1621 occurs first, constitutes evidence of continuing abuse, neglect,  
1622 or abandonment unless the failure to substantially comply with  
1623 the case plan was due to the parent's lack of financial  
1624 resources or to the failure of the department to make reasonable

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1625 efforts to reunify the parent and child. The 12-month period  
1626 begins to run only after the child's placement into shelter care  
1627 or the entry of a disposition order placing the custody of the  
1628 child with the department or a person other than the parent and  
1629 the court's approval of a case plan having the goal of  
1630 reunification with the parent, whichever occurs first; or

1631         2. The parent or parents have materially breached the case  
1632 plan by their action or inaction. Time is of the essence for  
1633 permanency of children in the dependency system. In order to  
1634 prove the parent or parents have materially breached the case  
1635 plan, the court must find by clear and convincing evidence that  
1636 the parent or parents are unlikely or unable to substantially  
1637 comply with the case plan before time to comply with the case  
1638 plan expires.

1639         3. The child has been in care for any 12 of the last 22  
1640 months and the parents have not substantially complied with the  
1641 case plan so as to permit reunification under s. 39.522(4) ~~s.~~  
1642 ~~39.522(2)~~ unless the failure to substantially comply with the  
1643 case plan was due to the parent's lack of financial resources or  
1644 to the failure of the department to make reasonable efforts to  
1645 reunify the parent and child.

1646         Section 11. This act shall take effect October 1, 2021.