

# 2020 Legislative Update

Issued by Florida's Children First on July 23, 2020

## Bills Signed by the Governor

### **Jordan's Law** (HB 43 Latvala/Rouson)

#### Training on Head Trauma and Brain Injury – amends

several sections to require training

§25.385 dependency judges

§39.303 child protection teams and sexual abuse treatment teams

§39.820 Guardian ad Litem

§39.402 Child Protective Investigators and DCF CLS attorneys

§409.988 Out of home Caregivers

§943.17298. Law Enforcement Officers

Law Enforcement Notification. §39.0142. Creates a new section that requires FDLE to advise local law enforcement that a person they are investigating is a parent or caregiver who is the subject of a child protective investigation. Requires local law enforcement to notify the Abuse Hotline if an interaction with a parent gives them concerns about the child's well-being. The Hotline must in turn advise the CPI, or the case manager and CLS attorney after adjudication.

#### Third Party Credentialing Agencies – §402.40.

Entities that certify child welfare workers must review findings in critical incidents and death of a child to determine whether certified child welfare personnel complied with the agency's code of ethical and professional conduct and disciplinary procedures. They do not review for every eligible case, only those where a complaint was filed by an outside party.

Takes Effect July 1, 2020.

### **Adoptions Benefits** (HB 61 Committee/Bean) -

§409.1664 Adds several categories of persons who are eligible for the additional adoption benefit offered to state employees: veterans, service members, and contract employees of the state, including "other-personal-services" who have been continuously employed for a year.

Takes Effect July 1, 2020.

### **Adoption Records** (HB 89 Committee/Rader).

§63.612 This bill permits all parties to adoption proceedings to authorize release of their own information without court order. Minor children must have the written consent of their adoptive parents. Now, any party to the adoption can receive records with: His or her own name and identity, with the name and identity of all other parties redacted; and the name or identity of any other party who authorizes disclosure, with the name and identity of any unauthorized person redacted. Takes Effect July 1, 2020.

### **Temporary Custody of Minor Children by Extended Family** (SB 124 Bean/Roach).

§751.01 et. Seq. Revises the law by permitting parents to select fictive kin (close family friends) to take temporary custody of their children. Permits the petition for temporary custody and the order terminating temporary custody to include provisions to require a transition for children who return to their parents.

Takes Effect July 1, 2020.

### **Service Members Relief Act** (HB 197 Committee/Bean)

§39.01 Amends the definition of abandonment to state that absence of a parent due service in the military cannot be considered abandonment.

Takes Effect July 1, 2020.

### **Child Welfare** (HB 1105 Tomkow/Simpson)

Judicial Training §25.385. Requires all dependency judges to be trained on secure attachment, importance of placement stability, and impact of trauma.

Early Childhood Courts §39.01304. Permits circuit courts to create early childhood courts and sets out factors for the court's consideration. Requires the Office of State Court Administrator to contract for the evaluation of early childhood courts.

### Speed Time for Foster Care Licensing and Adoption

§39.0138(1) – requires DCF to complete the child welfare and criminal history background checks within 14 days.

§63.092(3) requires completion of preliminary home study in 30 days if the child is in DCF custody.

§63.093 – creates a new section setting the time frames and process by which CBC Lead agencies or their subcontractors must handle inquiries from prospective adoptive parents. Specifies the requirement for training for pre-adoptive parents and the exceptions for trained foster parents and others who been caregivers to the child for more than six months.

§409.175 -requires agency to complete foster parent licensing within 30 days of licensing study. Requires DCF to approve or deny a license within 10 days of receipt of completed application, and no later than 100 days after the applicant completes orientation.

### Court Notification of Hotline calls in Open Cases.

§39.301(1)(a) requires DCF to notify the court of accepted calls to the hotline concerning children over whom the court has jurisdiction.

### Shelter or Dependency Petitions in Open Cases with Children at Home.

§39.301(9)(a)6.d. Permits DCF to file a shelter or dependency petition without a new child protective investigation or the agreement of the CIP if “the child is unsafe but for the use a safety plan” and the parent has not “sufficiently increased protective capacities” within 90 days of the transfer of the case from CPI to the lead agency.

Post disposition Change of Custody 39.522(3) adds ten criteria for court to consider in determining whether change of legal custody or placement is in the child’s best interest. A new subsection (4) sets out factors for the court to consider whether to remove a child who was reunified with a safety plan or left at home under a safety plan. It also requires the court to consider whether the permanency goal should be changed.

### Parenting Partnerships

This bill sets the expectation that all children in care receive excellent parenting and describes what that entails. It brings over the existing language of the existing Quality Parenting law. And it sets up a framework to make sure that caregivers work with

parents throughout the time the child is in out of home care.

- §409.1415 – Creates a new section of law called Parenting Partnerships for children in out of home care. It moves most of the existing Quality Parenting law and adds to it. Sets out expectations as to how CBCs will facilitate relationship between parents and caregivers with very specific requirements. Also requires all members of the partnership to “interact and communicate professionally, share all information promptly.” Reiterates case planning requirements of participation by all – includes caregivers. Sets out the expectations for the “excellent parenting” to which children are entitled. There are numerous excellent provisions in this section. Requires group home staff who work directly with children to have same training as Level II foster parents.
- §39.6011. The case plan must describe: the responsibility of parents and caregivers to work together, when it is safe to do so; the responsibility of the case manager to facilitate the relationship and how to report if communication is ineffective.
- At Judicial Review - requires the Judicial Review Social Studies Report include a section on what the caregiver reports on the well-being of the child, the impact of services and the relationship with the child’s parents. §39.701(2)(a)6. Also requires the court to determine whether the parents and caregivers have a productive relationship with meaningful communication and mutual support. §39.701(2)(a)14.

Judicial Reviews §39.701. Requires the court to retain jurisdiction over children who were reunified with when a safety plan is necessary for the child to remain home safely.

Lead Agency Provision of Direct Services §409.988 Permits lead agencies to provide more than 35% of services directly by demonstrating a need to exceed the threshold. Community Alliances to review the request and issue a recommendation to DCF.

Takes Effect July 1, 2020.

**DCF Accountability Act “State of Hope Act”** (SB 1326 Simpson)  
Community Alliances - §20.19(5) and 409.988 to ensure CBCs are aware of programs and services from community and faith-based organizations and encourage the development of such programs. Add a representative of faith-based organization. Require DCF to appoint a liaison to the Community Alliance and community and faith-based organizations.

Sheriff CPIs. §39.3065(3)

This bill treats the Sheriffs providing CPI services differently depending on whether they are statutorily required to provide CPI services (Broward, Manatee, Pasco, and Pinellas) or contract with DCF to provide CPI services. Those who are statutorily designated to perform CPI function are not required to follow the child welfare practice model and will not be will be evaluated on par with DCF CPIs. The remainder are expected to follow the practice model and will be evaluated the same as DCF CPI units.

Staff CPI Support §402.02(3)

DCF to implement policies and programs to mitigate and prevent impact of secondary stress and burnout.

Creates an Office of Quality §402.715

Create performance standards and metrics for DCF and all contracted providers. Strengthen data and analytic capacity to identify systemic strengths and deficiencies. Recommend initiatives to correct deficiencies. Collaborate with others to improve quality and effectiveness. Report persistent failures to Secretary with recommendation for corrective action.

Eliminates prohibition on multiple monitoring of CBCs §402.7305(4)(e). Existing law prohibits more than one monitoring per year and precludes monitoring that duplicates a national accreditation organization.

Administration of child welfare services §409.996(1). Contracts with lead agencies must provide for tiered interventions and graduated penalties for performance deficiencies. Including the requirement to accept technical assistance and consultation, and reallocation of funds from administrative costs to direct care for children.

Attorneys for DCF. §409.996(18). Creates a new section addressing the obligations of attorneys who contract to represent DCF in dependency cases. Requires contracted attorneys to adopt the child welfare practice model. Requires contracted attorneys to be evaluated the same as DCF employed attorneys with random case pulls and evaluations by peer review teams. DCF will publish an annual report on performance quality, outcome measure attainment and cost efficiency of contracted services.

Lead Agency Quality Assurance Program.

§409.996(19). Lead agency quality assurance has to incorporate work of the new Office of Quality and be consistent with child welfare results oriented accountability system.

DCF Statewide Accountability System. §409.996(24)

DCF must create a statewide system to assess the “overall health” of the child welfare system using grading criteria that it sets. It must include a quality measurement system with domains and defined levels of quality that includes CPIs lead agencies and attorneys. DCF and the CBCs are to use information to provide enhanced quality. Report to the state annually.

Pilot Program in 6<sup>th</sup> and 13<sup>th</sup> Circuits. §409.996(25)

Offers incentive funding for exceeding performance measures.

Deletes Workgroup on Foster Home Quality.

Currently §409.996(23)(a)

Curriculum Development §1004.615. Charges the Florida Institute of Child Welfare and FSU School of Social Work with developing curriculum to enhance knowledge and skills regarding child welfare practice which is to be shared with any school that wants it. It must develop a “career long professional development curriculum.” Also, it must create a consulting program to enhance workforce culture, supervision and management practices.

Career Ladder §1004.615(10). DCF and Florida Institute of Child Welfare are to create an expanded career ladder for child protective investigators.

Takes Effect July 1, 2020.

## Children's Health / Mental Health

**School Based Medicaid** (HB 81) §409.9071  
Removes restrictions on which Medicaid eligible students that public schools can receive reimbursement for providing services. Previously schools could only be reimbursed for students with IEPs.  
Takes Effect July 1, 2020

**Florida Kidcare** (SB 348 Bean/Pigman) Removes the lifetime cap of \$1 million on covered expenses.  
Effective upon becoming a law.  
Signed into law on April 8, 2020

**Children's Mental Health** (HB 945). This bill creates a coordinated system of care for addressing the serious mental and behavioral health concerns of children and adolescents.  
Takes Effect July 1, 2020

## Bills that Died

**Bills that expand definition of harm**  
SB 158 / HB 533 – child safety restraints  
SB 232 / HB 413– electronic cigarettes, automobile safety restraints and leaving children in autos.

**Child Care Subsidies for Foster Parents.** (HB 193 Roth/ SB 354 Montford).

**Early Childhood Courts** (SB 236 Book, HB 449 Mariano) though some provisions were included in HB 1105.

**Privileged Communication** (SB 238 Book) -would have added clergy privilege to those specifically not applicable in child welfare cases.

**Foster Youth Bill of Rights** (SB 496 Book / HB 1045 Gottlieb Diamond).

**Restitution for Juvenile Offenders** (HB 1225/ SB 1880) Bill would have exempted DCF and foster parents are not parents for purposes of responsibility for restitution.

## Criminal Justice

**Donna's Law** (HB 199) Removes statute of limitations on prosecutions for sexual battery when the victim is younger than 18 – for offenses committee after July 1, 2020.  
Takes Effect July 1, 2020

**Diversion Expunction** (SB 1292 Perry) would have permitted juvenile diversion expunction for any offense, including felony offenses.

**Temporary Care of Child** (SB 1348) would have codified the Safe Families non-licensed care model.

**DCF Bill** (SB 1548 Perry). This bill had provisions relating to paternity, adoption, deceased parents, change of placement

**Support for Incapacitated Adult Children** (SB 1648 / H 965)

**DCF Bill** (SB. 1748 / HB 7085) Some provisions made it into other bills.

**Child Sexual Abuse, Animal Abuse** (SB 7000)

**DCF Bill** (HB 7063) Some provisions made it into other bills.