

Florida's Children First

2021 Legislative Update

Child Welfare and Related Laws



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Agenda

- What Passed
- What Failed
- Updated Benefit Chart

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What Passed?

- SB 80 Child Welfare
- SB 96 Child Welfare
- Tuition & Fee Exemption
- Child Protection Teams
- Juvenile Expunction
- DJJ Detention
- “Kaia Rolle Act”
- Seclusion & Restraint

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How to Find the Law

- **Easiest: Center for Child Welfare**
 - <http://centerforchildwelfare.fmhi.usf.edu/FloridaStatutes.shtml>
- **Official: Online Sunshine**
 - <http://leg.state.fl.us/Statutes/index.cfm?Tab=statutes&submenu=-1&CFID=111963595&CFTOKEN=95f1b232ca52a20-702B0718-5056-B837-1AD3F99A032E4BD9>
- **Best for New Law**
 - <https://www.flsenate.gov>

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Education

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Seclusion & Restraints HB 149

Amends §1003.573

- Precludes use of seclusion (involuntary confinement in a room or area – not time out - in public schools
- Limits restraint to authorized personnel when there is Imminent risk of serious injury
- Requires school districts to adopt positive behavior intervention and support and train all school personnel
- Requires creation of crisis intervention plan if student is restrained a 2nd time

Adds §1003.574

- Pilot project to put video camera in self-contained classrooms

Effective July 1, 2021. (signed 6/21)

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Juvenile Justice Bills

8

Kaia Rolle Act

HB 7051

Amends §985.031

Prohibits arrest of a child under the age of 7 from being arrested, charged or adjudicated delinquent based on an act occurring prior to the age of 7 – unless it is a forcible felony per §776.08.

Effective July 1, 2021. (signed 6/29/21)

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Diversion
Expunction

SB 274

&
Minor Arrest
Records

SB 166

Amends §943.0582

- Permits juveniles to expunge non judicial arrest records for felonies. (Currently limited to misdemeanors.)

Amends §985.126

- Permits youth to lawfully deny or fail to acknowledge his or her participation in the diversion program and the expunction of the nonjudicial arrest record.

SB 166 Amends §943.0582

- Makes nonjudicial records of arrest confidential and exempt.

Effective July 1, 2021. (presented to Gov. on 6/28)

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Juvenile Justice Programs & Detention

HB 885

- **Fla. Stat. §20.316:** Codifies the accountability program created in implementing language in 2020. **Fla. Stat. §985.101:** Adds five factors for court to consider in deciding whether a child’s failure to appear was willful.
- **Fla. Stat. §985.435:** Requires communities to establish incentives and consequences to address technical violations of probation.
- **Fla. Stat. §985.6865:** Revises cost-sharing language to ensure that counties that provide their own detention are not subject to cost-sharing
- **Fla. Stat. §1003.52(23):** Requires DJJ to consult with Dept. of Education to evaluate alternative model for proving education for youth.

Effective July 1, 2021. (signed 6/29/21)

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Child Welfare
Odds & Ends

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Tuition & Fee
Exemption
SB 52

Child Protection
HB 871

SB 52, Amends Fla. Stat. §1009.25 by adding 2 commas to clarify that youth in care under age 18 are entitled to the tuition exemption. Applies to students who complete high school prior to age 18.

Effective July 1, 2021. (Signed 6/24/21)

HB 871 Amends Fla. Stat. §768.28 to provides sovereign immunity to members of Child Protection teams when they act under the control of the state.

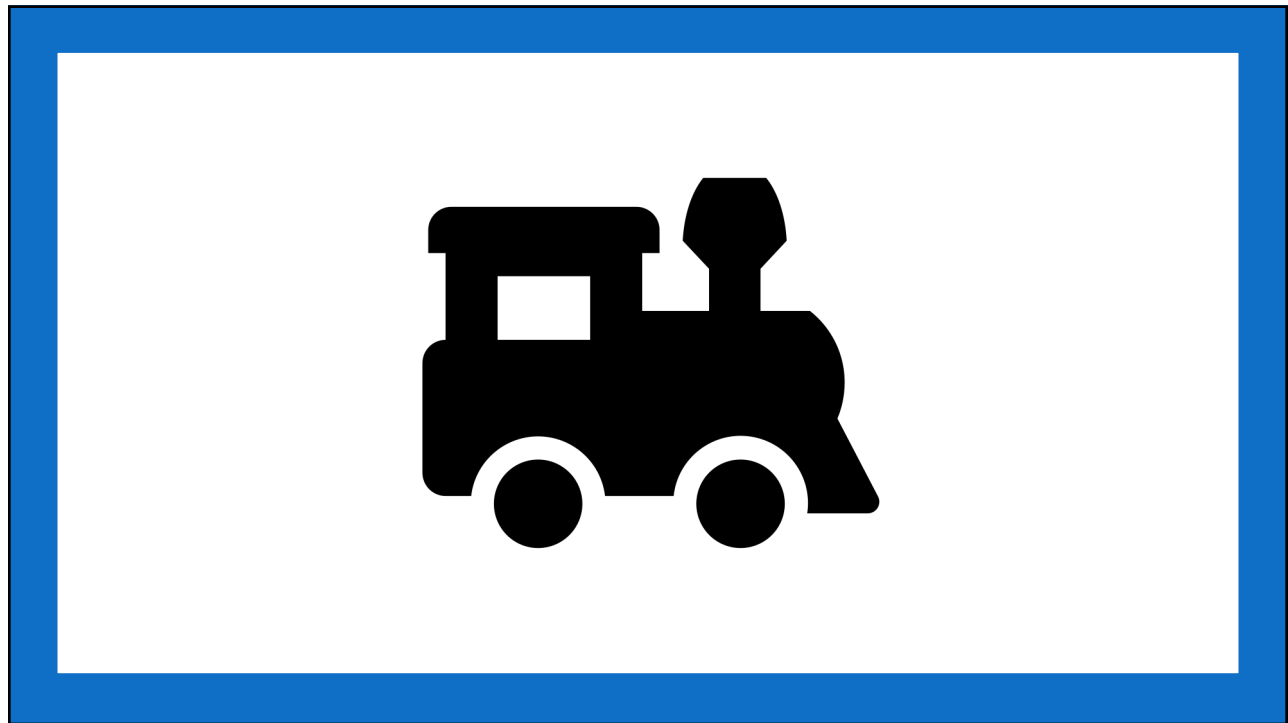
Effective July 1, 2021.(Signed 6/21/21)

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Child Welfare
SB 80

Effective October 1, 2021
(signed 6/29/21)

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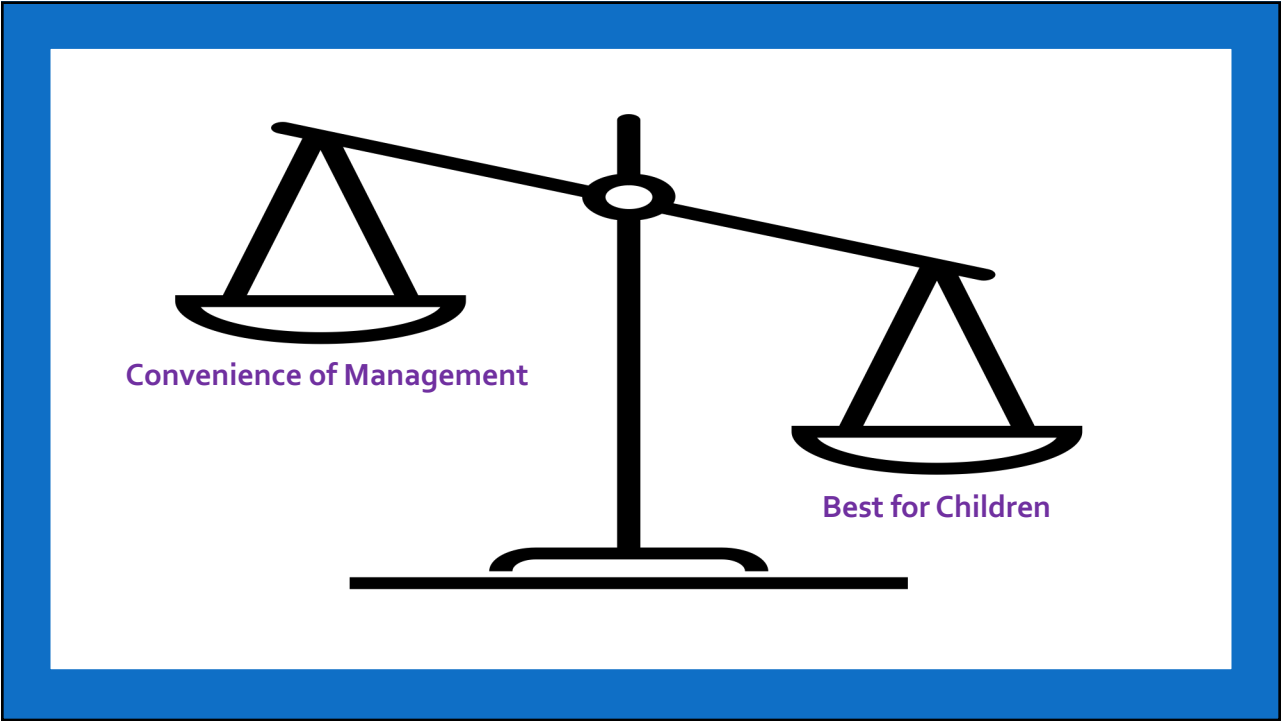


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Underlying Themes

- Promote Good Social Work Decision-Making
- Child Well-Being
 - Attachment
 - Stability
 - Siblings
 - Family Connections
- Promote Family and Youth engagement
- Respect and Support for Caregivers

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Child Welfare
SB 80
Case Record
Face Sheets
§39.00146 (new)

Requires DCF/ CBC to develop a Face Sheet for each file.

- Face sheet summarizes key data from the file.
- Must include specific information about the child’s case to be kept in the dependency case file as a quick reference resource.
- Must be updated at least once a month.
- Must be in a uniform and standardized format and be electronic and have the capability to be printed.

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Child Welfare
SB 8o
Best Interest
Determination
§39.01375
(new)

DCF, CBC and Court shall consider factors in determining whether a placement is in child's best interest.

1. Age
2. Physical, mental and emotional health benefits of remaining or moving
3. Stability & longevity of current placement
4. Established bonded relationship with current or proposed caregiver
5. Reasonable preference of the child (if sufficient age and capacity to express preference)
6. Recommendation of child's current caregiver

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Child Welfare
SB 80
Best Interest
Determination
§39.01375
(new)

Best Interest Factors (continued)

- Recommendation of the guardian ad litem
- Child’s relationship with siblings if it will separate or reunite siblings – per §39.4024
- Likelihood of attaining permanency
- Likelihood of school change and impact of change
- Impact on receipt of medical, behavioral, dental or other services (availability and continuity of care)
- Allegations that caused the child to enter care
- Impact on activities important to the child
- Impact on access to education, Medicaid and independent Living benefits*
- Other Relevant factors

* See Independent Living Benefit Chart in materials

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Child Welfare
SB 80
Priority of
Placement
§39.4021
(new)

Priority of Placements

- Non-Offending Parent
- Relative Caregiver
- Adoptive parent of a sibling
- Fictive Kin with close existing relationship
- Nonrelative caregiver that does not have an existing relationship
- Licensed foster care
- Group or congregate care*

* Beginning Oct 1, Family First will only pay for 14 days in group care unless there is a treatment need.

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Child Welfare
SB 80
Priority of
Placement
§39.4021
(new)

Sibling Groups:

- Must be placed in the same placement whenever possible and
- If placement together is in the best interest of each child in the sibling group.
- Placement decisions for sibling groups must be made pursuant to §39.4022 and §39.4024

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Child Welfare
SB 80
Priority of
Placement
§39.4021
(new)

- **Priority of Placements – Applies to All changes of physical or legal placement after shelter and before permanency**
- Placements made per §63.082(6) adoption intervention are exempt.
- Statutes changed to Incorporate Priority:
 - Prior to Shelter – §39.401(3)(c)
 - At Shelter – §39.402(8)(h)6
 - Post-disposition Change of Custody - §39.522(2)(b)

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Child Welfare SB 80 Multidisciplinary Teams

§39.4022
(new)

- **Premise is that the MDT's strength-based, family-centered approach will achieve more positive and lasting outcomes.**
 - Better Family Engagement
 - Shared Commitment and Accountability from family and circle of support

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Child Welfare SB 80 Multidisciplinary Teams

§39.4022
(new)

- **When do MDTs Have to Be Held per this Section?**
 - Initial placement decisions – before first placement or if not possible as soon as possible after removal
 - Change in physical custody for children in out of home care
 - Change in educational placements
 - Placement decisions regarding sibling groups'
 - Any other important decisions in the child's life that are so complex that DCF/Lead Agency
- **This law does not eliminate any pre-existing MDTs**
- **When DONT MDTs Have to Be Held per this Section?**
 - Facilitated by Children's Advocacy Center
 - Adoption intervention

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Child Welfare SB 80 Multidisciplinary Teams

§39.4022
(new)

MDT “Mandatory” Participants

- The child (unless not of age or capacity to participate)
- Child’s family and other identified by family as being important to the child
- Current caregiver
- DCF representative (NOT CLS attorney) if DCF is involved in the goal
- CBC Lead Agency representative
- Child’s case manager (or supervisor)

Staffing may not be delayed if invitees fail to attend after being provided a reasonable opportunity.

Attendance can be in-person or virtual.

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Child Welfare SB 80 Multidisciplinary Teams

§39.4022
(new)

MDT Additional “Professional” Participants

- Children’s Medical Services Representative
- Guardian ad Litem
- School representative –who has direct contract with the child
- Therapist or behavioral health professional
- Mental health professional with expertise in sibling bonding
- Other community service providers

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Child Welfare SB 80 Multidisciplinary Teams

§39.4022
(new)

MDT Goals – all teams must adhere to these goals.

- Secure a child's safety in the least restrictive and intrusive placement that can meet his or her needs;
- Minimize the trauma associated with separation from the child's family and help the child to maintain meaningful connections with family members and others who are important to him or her;
- Provide input into the placement decision made by the community-based care lead agency and the services to be provided in order to support the child;
- Provide input into the decision to preserve or maintain the placement, including necessary placement preservation strategies;
- Contribute to an ongoing assessment of the child and the family's strengths and needs;
- Ensure that plans are monitored for progress and that such plans are revised or updated as the child's or family's circumstances change; and
- Ensure that the child and family always remain the primary focus of each MDT staffing.

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Child Welfare SB 80 Multidisciplinary Teams

§39.4022
(new)

Assessments

- MDT Decisions should be based on data and information about the child.
- Can use evidence-based assessment instruments/ tools suited for the specific decision
- Meetings may not be delayed pending screenings, assessments or service referrals

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Child Welfare
SB 80
Multidisciplinary
Teams

§39.4022
(new)

Specific Considerations for Young Children (0-3)

- Strategies to overcome potential delays in placing children with suitable and willing relatives
- Likelihood the child can remain in the placement after initial removal
- Caregivers ability and willingness to
 - Accept early childhood development supports and services
 - Address emotional needs and accept mental health support
 - Nurture the child during transition
 - Work with parent to build/maintain attachment
 - Effectively co-parent with parent
 - Ensure frequent family visits and sibling visits.

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Child Welfare
SB 80
Multidisciplinary
Teams

§39.4022
(new)

Decision Making

- If **unanimous consensus** – the decision is the official position of the CBC Lead Agency and binding on DCF and the Lead Agency
- If **no** unanimous consensus - the facilitator notifies the court and DCF and DCF decides how to address the identified goal of the staffing.
 - Report filed within 5 business days
 - Detail position of participants and decision at the conclusion of the meeting

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Child Welfare SB 80 Placement & Educational Transitions §39.4023 (new)

Legislative Intent

- Placement change causes trauma to children, caregivers, families and professionals
- Poorly planned, executed or improperly timed transition adversely effect childhood development, capacity to trust, attach, and have healthy relationships
- Reduce number of placement changes, support caregivers to promote stability and thoughtfully plan transition.
- Intent is that all placement and educational changes are made with a period of transition that is unique to each child, provides support for all individuals affected by the change, and has flexible planning to allow for changes necessary to meet the needs of the child.

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Kathy's After School Surprise

1/19/2011

<https://youtu.be/INK1gf9xF58>



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Child Welfare
SB 80
Placement &
Educational
Transitions
§39.4023
(new)

Educational Change – Any move between schools that is not a transition between elementary, middle & high. INCLUDES child care and early education

Placement Change – any time a child moves from one caregiver to another.

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Child Welfare
SB 80
Placement &
Educational
Transitions
§39.4023
(new)

Children can be moved only for reasons specified in 409.1415(2)(b)7

- a. The caregiver is clearly unable to safely or legally care for the child;
- b. The child and the birth or legal parent are reunified;
- c. The child is being placed in a legally permanent home in accordance with a case plan or court order; or
- d. The removal is demonstrably in the best interests of the child.

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Child Welfare
SB 80
Placement &
Educational
Transitions
§39.4023
(new)

Requires Services to Prevent Disruption

- Shall be provided by CBC Lead Agencies
- Any supportive services necessary to a caregiver and a child if placement is in danger of needing modification
- Services should be directed to remedy the factors contributing to the placement being considered unsuitable

If a Move is Required, a MDT must be held

- If a move is made because of an emergency, must be within 72 hours

Prospective Caregivers must be Prepared before Placement

- Fully informed of child's needs and willing and able to provide high quality care.

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Child Welfare
SB 80
Placement &
Educational
Transitions
§39.4023
(new)

Notice of Placement Change, DCF/CBC must provide

- Written Notice which includes the reason the change is necessary.
- 14 Days in Advance or 72 Hours after Emergency Move
- Filed with Court and
- Provided to
 - Child (must be explained in appropriate way if can't comprehend written notice)
 - Parents (unless prohibited by court order)
 - Caregiver
 - GAL
 - Child's Attorney
 - DCF Attorney



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Child Welfare
SB 80
Placement &
Educational
Transitions
§39.4023 (new)

Placement Transition Plan

- Developed with “cooperation” among persons entitled to notice.
- Transition cannot take place between 7 pm and 8 am.
- Subject to child’s needs and preferences –must meet requirements of **409.1415(2)(b)8**:
 - respects the child’s developmental stage and psychological needs,
 - ensures the child has all of his or her belongings,
 - allows for a gradual transition from the caregiver’s home, and, if possible,
 - allows for continued contact with the caregiver after the child leaves.

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Child Welfare
SB 80
Placement &
Educational
Transitions
§39.4023
(new)

Placement Transition plan

- If child is moved in an emergency, MDT staffing and transition plan must take place within 72 hours of the move
- Must be filed with the court within 48 hours of creation
- Copy provided to all persons entitled to notice

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Child Welfare
SB 80
Placement &
Educational
Transitions
§39.4023
(new)

Transition For Infants

- Notes between 7 months and 2 years moving a child from a psychological parent is considerably more damaging.
- Placement decisions must focus on promoting security and continuity for infants and children under 5
- Requires transition plans to describe facts considered and specify the decision made as to each factor:
 - Age of child and current ability re developmental tasks
 - Length of time with current caregiver, strength of attachment and harm of disrupting healthy attachment
 - Relationship with new caregiver and existence of agreement between current and prospective caregivers to maintain relationship
 - Pace of transition and flexibility to change pace on child's needs

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Child Welfare
SB 80
Placement &
Educational
Transitions
§39.4023
(new)

Minimize School Changes

- Every effort must be made to keep a child in the school of origin if it is in the child's best interest.
- Determination of Best Interest to Remain in School of Origin
 - People to be consulted: child, parents, caregiver, child welfare professional, guardian ad litem, educational surrogate child-care and education staff (teachers and guidance counselors, school district rep and foster care liaison).
 - Persons can be contacted for input in advance, attend the MDT remotely
 - MDT can consider reports from current or proposed school if staff cannot attend.
- Statute lists 15 Factors to be considered in Best Interest Decision
- Cost of transportation is NOT a factor

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Child Welfare
SB 80
Placement &
Educational
Transitions
§39.4023
(new)

School Change Best Interest Factors include:

- Child’s desire to remain in school of origin
- Preference of parents or legal guardians
- Child’s connections school of origin
- Disability related needs and services
- Impact on academic credit and progress
- Availability of extracurriculars important to child
- Impact of past school transfers on child
- Permanency goals and timeframes
- Length of commute and impact of child

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Child Welfare
SB 80
Placement &
Educational
Transitions
§39.4023
(new)

Transitions between child care / early education

- Children should remain in familiar setting unless there is an opportunity to transition to higher quality program.
- If a change is required, the transition plan must include the child’s current and future school
- The plan must give the child the opportunity to say goodbye to important figures in the educational environment.

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Child Welfare
SB 80
Placement &
Educational
Transitions
§39.4023
(new)

K-12 Transitions Plans Must

- Document that DCF/CBC made the decision per the statutory requirements for best interest decision – discuss all factors considered in reaching the decision.
- Discuss timing of change and impact on education and extracurriculars, including grading period, exam schedule, credit acquisition, sports eligibility participation in extra curriculars
- Detail the transportation to school.

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Child Welfare
SB 80
Placement &
Educational
Transitions
§39.4023
(new)

Documentation of Placement Transition Plans

- DCF and Quality Parenting Initiative to develop a form to be completed and updated each time a child is moved.
- Must be attached to the facesheet
- Must include:
 - All members of MDT and facilitator and date of meeting
 - All topics considered
 - Recommendations of the MDT and name of person or entity responsible for carrying out the recommendation

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Model Placement Transition Plan

- Section 7 requires DCF to contract for development of **model plans and explanatory materials** to serve as basis for developing individual transition plans
 - Length and pace of transition
 - Sequence of steps to introduce new caregivers and build relationships
- Mitigate trauma and encourage healthy development and stability
- Must be provided to state who develop transition plans for children (DCF, CBC or subcontractor)
- May be provided to caregivers and other child welfare professionals

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Child Welfare SB 80 Sibling: placement of siblings, visitation and continuing contact

§39.4024
(new)

Legislative Intent

- Sibling relationships provide continuity, increase likelihood of permanency and associated with higher reunification rate
- Beneficial for siblings to continue relationships regardless of age
- Healthy sibling connections are a protective factor.
- Demographic and situational factors should not be sole reason siblings are not placed together.
- All entities and adults are responsible to foster sibling relationships and family connections
- Although there is a presumption that placement with siblings is best interest, overall well-being of child and family is better served when an individualized determination is made that looks at the child's ability to maintain and develop healthy relationships

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Child Welfare
SB 80
Sibling:
placement of
siblings,
visitation and
continuing
contact

§39.4024
(new)

Sibling Definition

- Child who shares a birth parent or legal parent with one or more other children, or
- Child who has lived together in a family with one or more other children whom he or she identifies as siblings (foster siblings, step siblings).

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Child Welfare
SB 80
Sibling:
placement of
siblings,
visitation and
continuing
contact

§39.4024
(new)

Sibling Placement Requirements

- At removal DCF/CBC must make reasonable efforts to place sibling groups removed together in placement together –
 - when it is in the best interest of each sibling and
 - there is appropriate, capable, and willing joint placement
- Subsequent children that enter care – make reasonable efforts to place child with siblings in siblings existing placement – if it won't jeopardize stability of the placement and it's in the best interest of each child.
- When deciding whether to move a child from a placement because of a sibling relationship all factors must be considered by the MDT to make sure the child is best served by the decision
- DCF and court are not required to change physical or legal custody in order to develop a relationship between siblings that didn't exist at the time of placement in out of home care.

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**Child Welfare
SB 80
Sibling:
placement of
siblings,
visitation and
continuing
contact**

**§39.4024
(new)**

Factors to Consider When Placing Siblings at Removal

- At removal MDT staffing must assess sibling relationships from the perspective of each child .
- It must consider relevant factors from 39.01375 – including emotional ties between and among siblings, degree of harm each child is likely to experience, and protocols developed by QPI.
- If siblings can be placed together they must be placed together
- If siblings cannot be placed together they must make all reasonable efforts to ensure contact and visitation between siblings

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**Child Welfare
SB 80
Sibling:
placement of
siblings,
visitation and
continuing
contact**

**§39.4024
(new)**

Additional Factors to Consider When Removing a Child from a Placement to Unite with Siblings

- Presence and quality of current attachment relationships (several specific items must be considered)
- Potential of new caregiver to be a primary attachment figure to sibling group
- Quality of existing sibling relationships and potential quality of relationships that can be formed
- Costs and benefits of disrupting existing emotional attachments (several specific items must be considered)
- Ability to establish and maintain sibling visits and contact if young child remains with current caregiver
- Ability to establish and maintain contact with sibling and new caregiver as part of a transition plan

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Child Welfare
SB 80
Sibling:
placement of
siblings,
visitation and
continuing
contact

§39.4024
(new)

Sibling Contact When Separated – Practices to Consider

- Caregiver must respect and support child's ties to family
- Caregivers to be supported to enhance contact between siblings
- Prioritize placements with kinship caregivers
- Prioritize placement in geographic proximity
- Encourage frequent and regular visits
- Provide other forms of contact
- Coordinate joint outings/camp
- Encourage joint respite
- Explicitly prohibits withholding communication as punishment

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Child Welfare
SB 80
Sibling:
placement of
siblings,
visitation and
continuing
contact

§39.4024
(new)

**Limitation or Restrictions on Communication
& Visitation**

- Court may only limit or restrict if there is a finding that the communication or visitation is contrary to the safety or well-being of the child
- Court must direct DCF/CBC to immediately provide services if they can be reasonably expected to ameliorate the risk to safety or well-being.

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Child Welfare
SB 80
Sibling:
placement of
siblings,
visitation and
continuing
contact
§39.4024
(new)

Subsequent Review when Siblings Separated

- DCF/CBC must reassess placement, visitation and contact at least every 6 months to see if a change in placement is warranted
- Services should be offered to prevent placement disruption if sibling does not adjust. If services don't help
 - MDT convened to consider what is best for all children
 - Choose a plan that is least detrimental to each child
- Additional siblings ascertained- MDT convened to decide if placement or permanency plan requires modification

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Child Welfare
SB 80
Sibling:
placement of
siblings,
visitation and
continuing
contact
§39.4024
(new)

Sibling Rights (Requirements & Considerations)

- Location/Contact
 - DCF must promptly provide child with location and contact information for siblings.
 - If location or contact information is unknown must make reasonable efforts to get the information
- Children who remain in care must be allowed to communicate with siblings who leave to emancipation or reunify. (If the sibling or parent consents.)
 - If communication is not occurring, child has the right to ask the court to consider appropriateness of continued communication
- Children who remain in care may be allowed to have communication with adopted siblings by consent of parent or court order per §63.0427

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Child Welfare
SB 80
Post Disposition
Change in
Custody
§39.522

Standard for changing legal custody

- Deletes statutory factors and references factors in 39.01375 and priority placement in 39.4021

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Child Welfare
SB 80
Post Disposition
Change in
Custody
§39.522

**Contested Changes to Physical Custody -
Presumption**

- Creates rebuttable presumption that it is in the child's best interest to remain in the placement if:
 - Placement has been 9 months or longer
 - Reunification is not an option
 - Caregiver is able and willing to adopt or become permanent custodian
 - Caregiver isn't requesting the change of placement
 - Proposed change is not to reunify with parent or sibling or to transition to safe and stable relative caregiver.

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Child Welfare
SB 80
Post Disposition
Change in
Custody
§39.522

**Contested Changes to Physical Custody –
Evidentiary Hearing**

- Court must consider factors in 39.01375 (Best Interest)
- Court must take evidence from court-selected neutral and independent licensed professional with expertise in child-parent bonding
- Wishes of parent, sibling or caregiver of a sibling are not sufficient by themselves to rebut presumption
- Creates procedure for notice and setting hearing
 - Child cannot be transitioned without court order
 - Child is appointed counsel
- If move approved, transition plan is required

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Child Welfare
SB 80
Placement in
Out of Home
Care
§39.523

Revises the requirement for comprehensive placement assessment to replace the list of the folks needed for the staffing with a reference to §39.4022 (Multidisciplinary Teams).

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Child Welfare
SB 80
Transition Plan
§39.6035

Transition Plan Requirements:

- Begins formal transition plan requirement at age 16 (instead of 17 ½)
- Must include tasks to establish and maintain naturally occurring mentoring relationships and personal support services
- Requires plan to be updated as needed before age 18

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Child Welfare
SB 80
Judicial
Reviews
§39.701

Judicial Reviews for Transition Aged Youth:

- Revises the 17-year-old Judicial Reviews to begin at age 16. –Youth to have input.
- Court to inquire about life skills. DCF to report on life skills acquired since age 13
- Reorganizes language on case plans for youth who may need adult guardianship and the removal of disability of nonage.
- Court can conduct more frequent reviews

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Child Welfare SB 80 Reinstatement of Parental Rights

§39.8155
(new)

Reinstatement of Parental Rights:

- Filed by DCF, Parent or Child
- TPR Grounds were surrender or based on case plan non-compliance or material breach
- Parent is not verified perpetrator of sexual or physical abuse; subject of verified report since TPR; and was not TPRd on any other child after this child
- Child is at least 13; 36 months have passed since TPR; and has not achieved permanency or in a pre-adoptive placement
- Both Parent and Child want reinstatement

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Child Welfare SB 80 Reinstatement of Parental Rights

§39.8155
(new)

Reinstatement of Parental Rights:

- Sets out criteria for court determination – clear and convincing evidentiary standard.
- Supervised visits and trial home visits for 3 months after home study complete. Transition plan required.
- Court retains jurisdiction for 6 months after reinstatement of parental rights.

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Child Welfare
SB 80
Road to
Independence
§409.1451

Aftercare Services Expanded

- Available to students who are receiving Postsecondary Educational Services and Supports if
 - Experiencing an emergency situation
 - Has insufficient resources to meet the emergency
- Temporary Financial Assistance to Address Emergencies Added to List of Services Available

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Child Welfare
SB 80
Road to
Independence
§409.1451

Continued Connections to Young Adults

- Clarifies that if youth move in state, the services are provided by the CBC where they reside but paid for by the CBC who wrote the transition plan
- CBCs must attempt to contact all young adults who aged out of care and may be eligible for EFC or Aftercare
 - They should offer services and inquire about their needs and offer assistance
- CBCs must offer intensive independent living services for young adults who aged out of care and have greatest deficits in life skills

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Child Welfare
SB 80
Road to
Independence
§409.1451

Independent Living Services Advisory Council

- Requires ILSAC to report on status and outcomes of young adults who aged out of foster care
- Requires ILSAC to include young adults who receive RTI services and funds
- Permits the ILSAC to consult with children currently in care and those who aged out re. needs, preference and transition to independent living

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Child Welfare
SB 80
Independent
Living
Preparation
§409.14515
(new)

Independent Living Preparation

- Requires DCF to identify life skills they should acquire in out of home care.
- Develop list of age-appropriate activities and responsibilities for development of skills at each developmental stage.
- Design and disseminate training to help caregivers prepare kids to transition to adulthood.
- At 13 begin assessing life skills acquisition and help the caregiver plan to meet deficits.
- Provide access to trained mentors
- Develop procedures to help youth access and manage personal allowance

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Child Welfare
SB 80
Motor Vehicle
Insurance
§409.1454

Keys to Independence

- Expands access to young adults who were in licensed care at age 18 and are currently receiving Postsecondary Education Services and Supports

69

Child Welfare
SB 80
Community
Based Care
§409.988

CBC Lead Agencies

- Expands service population to include children adopted from the child welfare system whose families require post adoption supports

70

Child Welfare
SB 80
Office of
Continuing
Care

§414.56
(New)

Creates New Office of Continuing Care in DCF

- Serve young adults who age out of care between 18-21 (22 with disability) by providing a point of contact until young adult reaches 26.
- Inform young adults about available support and assist them in obtaining services and support.
- Collaborate with CBCs to identify and access local supports

71

Child Welfare
SB 80
Florida
Institute for
Child Welfare

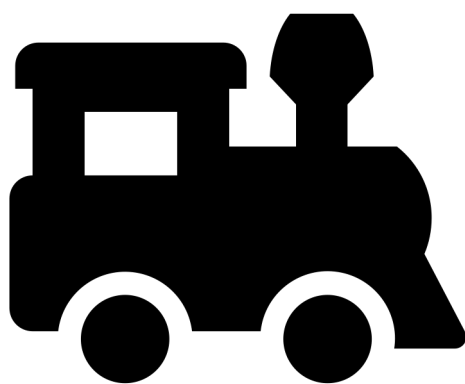
Obligates the Institute to

- Evaluate effectiveness of state's efforts to help youth acquire life skills
- Analyze permanency outcomes

72

Child Welfare
SB 96
Effective July 1, 2021
(signed 6/29/21)

73



74

Child Welfare SB 96

Central Abuse Hotline §39.101 (new)

Moves some Abuse Hotline Provisions from §39.201 to new section.

- Operation and maintenance
- Timelines for initiating an investigation
- Collection of data (adds school settings for reporting)
- Use of information received by the hotline
- Quality assurance

75

Child Welfare SB 96

Required Reports §39.201 (substantially revised)

- Required reporting
 - Adds requirement that reports must be made immediately
 - Adds animal control officers to list of persons who must provide their name
- Exceptions to reporting
- Additional circumstances relating to reporting
- Reports of child abuse, neglect or abandonment by a parent or caregiver
- Reports of sexual abuse of a child, juvenile sexual abuse, or a child who has exhibited inappropriate sexual behavior
- Mandatory reports of a child death

76

Child Welfare SB 96

Required Reports

§39.201
(substantially
revised)

New Provisions related to reports of sexual abuse of a child, juvenile sexual abuse, or a child who has exhibited inappropriate sexual behavior

- Services provided in the least restrictive environment possible and may include: child advocacy center, sexual abuse treatment program
- CPI can conduct investigation of incidents at school or school events
 - Must include interview with parent or guardian
 - Must orally notify DOE, law enforcement and school administrators
- Must make written report to law enforcement within 3 days of oral report. Criminal investigations must be coordinate with CPI investigation and interested people my provide DCF with a statement

77

Child Welfare SB 96

Critical Incident Rapid Response & sexual abuse report investigations §39.2015

Requires CIRRT investigations of reports of sexual abuse in out of home care

- Purpose to identify root causes and identify need to change polices and practices relating to preventing and addressing sexual abuse of children in out of home care
- At a minimum investigate verified report of sexual abuse – if the child was subject of verified abuse or neglect report in previous 6 months
- CIRRT to begin within 2 business days of verified report or immediately if investigation open for 45 days
- Preliminary report due to Secretary within 45 days.

78

Child Welfare SB 96

Confidentiality
of reports &
records
§39.202

Gives Legislative Committees access to confidential records within 7 business days of a request.

79

Child Welfare SB 96

Penalties for
failure to report
abuse,
abandonment or
neglect
§39.205 &
§1012.795

- **Fla Stat. §39.205** specifies that an educator's report to a supervisor does not relieve them of the responsibility of making a report to the Abuse hotline
- **Fla. Stat. §1012.795** requires Department of Education to suspend an educator/ administrator's certificate for at least one year for educators who knowingly fail to report child abuse a second time.

80

Child Welfare SB 96

Cross reporting child
and animal abuse
§39.208 (new)

Animal Control
Ordinance
§828.27

Cross Reporting §39.208

- Legislative findings – animal abuse is form of interpersonal violence that co-occurs with child abuse and family violence. Early identification safeguards children, supports families and protects animals.
- Requires CPIs to report animal abuse within 72 hours of becoming aware of animal cruelty.
- Requires Animal Control Officers to report child abuse to hotline immediately
- Requires a 1-hour training for CPIs and Animal Control officers

Animal Control §828.27 adds training requirement for Animal Control Officers

81

Child Welfare SB 96

Initiation of
investigation
§39.301

- Adds requirement that CPIs investigating allegations of sexual abuse must assess and take protective actions to address the safety of other children in the placement and those who are accessible to the alleged perpetrator and are not subject of the allegation

82

Child Welfare SB 96

Institutional investigations §39.302

- Specifies that alleged perpetrator may be represented by a lawyer (at own expense) during the investigation, or may be accompanied by another person.
- Investigation can proceed without a lawyer or accompanying person.
- State attorney or law enforcement agency can obtain all investigative reports from DCF.

83

Child Welfare SB 96

Child Advocacy Centers §39.3035

- Adds language to describe what child advocacy centers are.

84

Child Welfare SB 96

Family Finding §39.4015

Kinship Navigation §39.5086

- **Fla. Stat. §39.4015 Makes Family Finding Mandatory**
 - Requires efforts beyond basic search tools – use of alternative tools and methodologies
- **Fla. Stat. §39.5086 Makes Kinship Navigation Mandatory**
 - Requires efforts beyond basic search tools – use of alternative tools and methodologies

85

Child Welfare SB 96

Goals for Dependent Children, Responsibilities, Education §39.4085

- Adds freedom from abuse, abandonment and neglect to be a paramount concern of the child welfare system.
- **Requires DCF to work with stakeholders to help children become knowledgeable of their rights.**
- On entry into care, children are to be instructed on identifying and reporting abuse.
 - In writing if child can understand them
 - Children must have the ability to ask questions about rights
 - Case manager must document that the information was provided
 - Information must be reviewed with children every 6 months.
- School Districts encouraged to develop educational programs on identifying and reporting abuse

86

Child Welfare SB 96

Goals for Caregivers §39.4087

- Revises confidentiality requirement to include all information provided regarding the child and the child's background.
- Clarifies that caregivers should be considered as placement option for children who were formerly placed with them and who reenter care.

87

Child Welfare SB 96

Multidisciplinary Legal Representation §39.4091

- Legislative Intent – Multidisciplinary Legal Rep is effective in reducing safety risks, providing families with better outcomes, significantly reducing time in out of home care and achieving permanency more quickly.
 - Describes benefit of social workers and peer specialists
- Permits Regional Counsel offices to establish a multidisciplinary legal representation model
 - Team includes: attorney, forensic social worker and parent-peer specialist
 - Requires data collection and reporting
- Requires DCF to collaborate on obtaining IV-E reimbursement

88

Child Welfare SB 96

Parenting Partnerships §409.1415

- DCF must provide caregivers with training to help them teach life skills to children in their care
- **Adds new section on resources and support for caregivers**
 - Creates **Foster Parent Information Center** that will employ foster parent advocates to assist prospective and current foster parents
 - **Kinship Caregivers**: Requires CBCs to:
 - Provide resources and support
 - Establish a phone line staffed during normal business hours to assist caregivers who cannot reach the case manager

89

Child Welfare SB 96

Licensure of Family Foster Homes §409.175

- Changed **capacity waivers to 6 or more dependent children and 8 or more children** in total
- Before granting the waiver DCF must assess each child to determine whether the mental, physical and psychosocial needs of the child will be met by the placement.
 - Can be done within 72 hours if the placement is with a sibling who was already in the home

90

Child Welfare SB 96

Lead Agency Procurement, boards, conflicts §409.987

- Permits the Community Alliance to work with DCF to establish an alternative way to provide lead agency services if local conditions make it not feasible to competitively contract
- New section on Conflicts of Interest
 - Defines conflicts of interest
 - Requires board members to disclose conflicts of interest
 - Directs board obligations if potential conflict is identified – requires 2/3rds vote to approve.

91

Child Welfare SB 96

Lead Agency Duties §409.988

- **Requires CBC lead agencies to adhere to “all best child welfare practices” in specified statutes.**
 - Goals for caregivers, placement in out of home care, parenting partnerships, and care of children (reasonable & prudent parenting)
- Revises what CBCs must publish on their websites
 - Clarifies data methodology and adds case managers with 25 or more cases
 - Deletes the requirement to publish budget, and salaries
- Requires Lead Agencies to identify their affiliation with DCF on their website and materials

92

Child Welfare SB 96

Duties of the Department §409.996

- DCF must include in the CBC Lead Agency contract a requirement the lead agency describe how it is going to comply with the specified best practices
- DCF must do comprehensive multi-year review of CBCs finances
- DCF must publish on its website the CBC executive compensation for anyone who receives comp (from state funds) in excess of 150% of DCF Secretary
 - Update monthly

93

Child Welfare SB 96

Managing Entities §394.9082

- DCF to publish data on ME Executive Compensation for employees who receive funds in excess of 150% of the DCF Secretary; IRS Form 990s, and audit reports
- Requires MEs to identify their affiliation with DCF on their website and materials

94

Child Welfare SB 96

Boards of Managing Entities

§394.90825
(new)

- Defines conflicts of interest
- Requires board members to disclose conflicts of interest
- Directs board obligations if potential conflict is identified – requires 2/3rds vote to approve.

95

Child Welfare SB 96

Commission on Mental Health & Substance Abuse

§394.9086
(new)

- Creates 19-member Commission
- Review and evaluate the management and functioning of the existing public mental health system including several specific issues.
- Convenes by September 2, 2021, submits interim report September 1, 2022, final report September 2023

96

What Failed

97

What Failed?

Representation Bills

- **Child Welfare** (SB 1920 Book) Provides for appoint of attorneys for children in licensed care in dependency cases. Creates provision re conflicts of interest with Guardian Ad Litem Program.
- **Representation by Criminal Conflict and Regional Counsel in Child Welfare** (SB 1812 Powell / HB1613). Permits regional counsel to provide pre-petition representation. Requires CPLs to advise parents who cannot afford counsel of the right to have regional counsel represent them during investigation.
- **Criminal Conflict & Civil Regional Counsel** (HB 685 Brannan / SB 756 Baxley) Add RC access to records in dependency and delinquency cases. Revises selection process for Regional Counsel.

98

What Failed?

Child Welfare Bills

- **DCF** (SB 92 Bean, HB 1417 Fischer). Strengthen Community Alliances, revises caregiver goals, creates child well-being system. Several sections were added to SB 96
- **Harm to Children** (HB 837 Byrd / SB 948 Book). Adds improper vehicle restraints and leaving children in vehicles to definition of harm
- **Task Force on Monitoring Children in Out of Home Care** (HB 1425 Williams)

99

What Failed?

Child Oriented Bills

- **Child Welfare** (SB 900 Rodriguez). Gives priority to licensed foster homes for Extended Foster Care. Some provisions made it to SB 96.
- **Foster Youth Bill of Rights** (SB 1100 Book) Creates a foster children's bill of rights; creates a DCF Children's Ombudsman; details when children must be provided information on their rights; and promotes improvement in foster parent recruitment and retention
- **Medicaid Coverage for Former Foster Youth** (SB 1526 Garcia / HB 1071 Roth). Requires provision of notice of and assistance with enrolling.
- **Deposing Victims of Certain Offenses** (SB 1178 Baxley / HB 1281 Buchannon) Sets requirements to protect children who were victims of trafficking and sexual offenses with regard to depositions.

100

What Failed?

Adoption Bills

- **Adoption** (SB 1206 Bean, HB 601 Roth). Limited dependency court jurisdiction to review DCF denial of application to adopt.
- **Adoption** (SB 1814 Rodriguez / HB 1387 Mooney) Requires notification to parents that Florida SHOTS records are deleted after adoption.
- **Adoption Records** (SB 1700 Torres / HB 1333 Slosberg) Permits adoptee to obtain birth records without court order.

101

What Failed?

Health & Mental Health Bills

- **Definition of Developmental Disability** (HB 269 Morales / SB 1686 Torres) Creates a new definition for developmental disability and eliminates current specific disabilities listed in statute.
- **Mental Health & Substance Abuse** (HB 405 Maney / SB 828 Book) Revises Baker and Marchman Acts
- **Kidcare Eligibility** (HB 1421 Bartleman / SB 1636 Ausley) Removes penalties and waiting periods, provides for continuous coverage.

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What Failed?

Juvenile Justice

- **Prosecuting Children as Adults** (SB 640 Powell /HB 809 Bush) Revises mandatory transfer, retains juvenile court jurisdiction for children until indictment filed.
- **Direct Filing** (SB 638 Powell HB 771 Bush) Prohibits moving children to adult jail prior to hearing ; removes state attorney's discretion to direct file.
- **Youth in Confinement** (SB 550 / HB 377 SB 570) Prohibits solitary confinement.
- **Expunction and Sealing of Judicial Records** (HB 841 Grieco. SB 1972 Pizzo) Permits sealing of DV injunction petitions if it was withdrawn, dismissed or court ruled for respondent. Allows additional expunction for adults if prior expunction was for offense committed by a minor.
- **Elimination of Fines & Court Fees for Juveniles** (HB 1391 Davis / SB 1926 Gibson) Eliminates fines and fees for juveniles including children in state care and young adults in Extended Foster Care.

103

Independent Living Benefit Chart Update

Tool to help children, caregivers and supportive adults understand consequences of placement options.

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Florida's Children First: Placement Status / Independent Living Benefit Comparison Table						
	For Open Dependency Cases				Permanent Guardianship entered b/w 16 & 18	Permanent Guardianship entered before age 16
	Licensed Care	Relative Caregiver Program	Non-Relative Caregiver Program	Relative / Non-Relative NOT in the Relative Caregiver Program		
Who has Custody?	The state has legal custody for levels 2 - 5, but the caregiver has legal custody under the protective supervision of the state for level 1.	Caregivers have legal custody under protective supervision of state.	Caregivers have legal custody under the protective supervision of the state.	Caregivers have legal custody under the protective supervision of the state.	Caregivers have legal custody.	Caregivers have legal custody.
Do Parents Retain Rights?	Yes, unless parental rights have been terminated.	Yes, unless parental rights have been terminated.	Yes, unless parental rights have been terminated.	Yes, unless parental rights have been terminated.	Yes, unless parental rights have been terminated.	Yes, unless parental rights have been terminated.
Where is the child placed?	In foster home or other licensed facility.	With the court-ordered relative.	With the court-ordered custodian.	With the court-ordered relative or custodian.	With the court-ordered permanent guardian.	With the court-ordered permanent guardian.
Does DCF supervision and court jurisdiction continue?	DCF supervision and court jurisdiction continue.	DCF supervision and court jurisdiction continue.	DCF supervision and court jurisdiction continue.	DCF supervision and court jurisdiction continue.	DCF supervision ends, but court jurisdiction continues. No further hearings are scheduled.	DCF supervision ends, but court jurisdiction continues. No further hearings are scheduled.
How can this placement be changed?	DCF or any interested person may seek a court order to change a child's placement. §39.522(3)12	DCF or any interested person may seek a court order to change a child's placement. §39.522(3)12	DCF or any interested person may seek a court order to change a child's placement. §39.522(3)12	DCF or any interested person may seek a court order to change a child's placement. §39.522(3)12	The parent or guardian may seek a court order to dissolve the guardianship and reopen the case under §39.621. The Department, the child or the GAL may also file a motion to re-open, dissolve, PG, and modify placement due to placement breakdown or child safety.	The parent or guardian may seek a court order to dissolve the guardianship and reopen the case under §39.621. The Department, the child or the GAL may also file a motion to re-open, dissolve, PG, and modify placement due to placement breakdown or child safety.
Financial support for caregivers?	All levels of licensure receive a Foster Care Room and Board payment. The Foster Care Room and Board rates are set by §409.145(4) with annual cost of living increases for levels 2-5. Level 1 payment is presumptively \$333 a month. DCF provides additional funds provided for IL skills and negotiates enhanced rates for some caregivers. Medical and therapeutic homes receive funds through Medicaid.	DCF supports through TANF funds, per §39.5085, unless the child receives Social Security benefits, or the parents live in the home with the child.	DCF supports through state funds, per §39.5085, unless the child receives Social Security benefits, or the parents live in the home with the child.	DCF does not support. Financial support may come through Social Security benefits or child support. May be eligible for cash assistance through TANF.	Not guaranteed. Possible sources: Social Security benefits, child support, relative or nonrelative caregiver payments per §39.5085, or cash assistance.	Not guaranteed. Possible sources: Social Security benefits, child support, relative or nonrelative caregiver payments per §39.5085 or cash assistance.

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Chart Components

Columns – Open Case Placements

- Licensed Care
- Relative Caregiver Program
- Non-Relative Caregiver Program
- Relative/ Non-Relative not in Relative Caregiver program

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Chart
Components

Columns – Closed Case Placements

- Permanent Guardianship entered between 16 & 18
- Permanent Guardianship entered before age 16
- Guardianship Assistance Program prior to age 16
- Guardianship Assistance Program after age 16
- Extension of Guardianship Assistance Program
- Adoption prior to age 16
- Adoption after age 16
- Extended Maintenance Adoption Subsidy
- Reunification
- Emancipation

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Chart
Components

Rows – Status / Benefits:

- Who has Custody?
- Do Parents Retain Rights?
- Where is the child placed?
- Does DCF supervision and court jurisdiction continue?
- How can this placement be changed?
- Financial support for caregivers?
- Medical Insurance or Coverage for Medical Expenses up to age 18.
- Medical Insurance or Medical Coverage after age 18
- Tuition & Fee exemption for Florida Schools

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Chart Components

Rows – Status / Benefits:

- Eligible for Extension of Guardianship Assistance Program
- Eligible for Extension of Maintenance Adoption Subsidy
- Eligible for Post- Secondary Educational Support Services
- Eligible for Extended Foster Care
- Eligible for After Care Support Services
- Keys to Independence

109

Impact of Legislative Changes

- How can Placement be changed?
 - Motions governed by best interest standard and rebuttable presumptions
- Eligibility for Aftercare
 - Youth receiving PESS can receive emergency assistance via Aftercare
- Keys to Independence
 - Youth receiving PESS can participate in Keys
- Reinstatement of Parental Rights
 - Acts like reunification for benefit purpose (in contrast to adoption by birth parent)

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<https://www.FloridaDependencyLaw.org>

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