

CHAPTER 2019-156

Committee Substitute for House Bill No. 1209

An act relating to caregivers for children in out-of-home care; creating s. 39.4087, F.S.; providing legislative intent; establishing goals for the Department of Children and Families relating to caregivers; providing responsibilities of the department; providing for dispute resolution; providing an effective date.

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

Section 1. Section 39.4087, Florida Statutes, is created to read:

39.4087 Department goals and requirements relating to caregivers; dispute resolution.—

(1) To provide the best care to children, the Legislature establishes as goals for the department to treat foster parents, kinship caregivers, and nonrelative caregivers with dignity, respect, and trust while ensuring delivery of child welfare services is focused on the best interest of the child. To that end, regarding foster parents, kinship caregivers, and nonrelative caregivers caring for dependent children in their home, to the extent not otherwise prohibited by state or federal law and to the extent of current resources, the department will strive to:

(a) Provide a clear explanation to a caregiver on the role of the department, the role of the child's biological family as it relates to the delivery of child welfare services, and the rights and responsibilities of the caregiver.

(b) Provide training and support to the caregiver to help meet the necessary requirements for the daily care of the child and any special needs the child may have.

(c) Fully disclose all relevant information regarding the child and the background of his or her biological family. A caregiver must maintain the confidentiality of any information as required by law. Such disclosure includes, but is not limited to:

1. Any issues relative to the child that may jeopardize the health and safety of the caregiver or other individuals residing in the household or alter the manner in which the caregiver would normally provide care.

2. Any delinquency or criminal record of the child, including, but not limited to, any pending petitions or adjudications of delinquency when the conduct constituting the delinquent act, if committed by an adult, would constitute murder in the first degree, murder in the second degree, rape, robbery, or kidnapping.

3. Information about any physical or sexual abuse the child has experienced.

4. Any behavioral issues that may affect the care and supervision of the child.

5. With parental consent to the extent required by law, any known health history and medical, psychological, or mental health issues or needs of the child, including, but not limited to, current infectious diseases the child has or any episodes of hospitalization due to mental or physical illness.

(d) Allow caregivers to communicate with professionals who work with the child, including, but not limited to, therapists and other behavioral health professionals, physicians and other health care professionals, and teachers.

(e) Provide a means by which a caregiver may contact the community-based care lead agency 24 hours a day, 7 days a week, for the purpose of receiving assistance from the lead agency.

(f) Solicit and consider caregiver input on a child's case plan.

(g) Provide a clear, written explanation to a caregiver of any plan concerning the placement of a child in the caregiver's home. If a plan was not developed before the placement, the department must provide a clear, written explanation to the caregiver once the plan is developed.

(h) Provide information, when it becomes available, on any emergency situation that requires a child to be placed in the caregiver's home.

(i) Allow a caregiver to request the removal of a child from the home without retaliation. However, the caregiver must be open to receiving training or other support services that may mitigate the need for the child's removal. If removal occurs, the caregiver shall cooperate with any transition that is in the best interest of the child to the extent that doing so is safe for the caregiver and other individuals in the caregiver's home.

(j) Inform the caregiver as soon as possible of any decision made by a court or child-caring agency relating to a child who is placed with the caregiver.

(k) Give at least 7 days' notice to a caregiver, to the extent possible, of any meeting or court hearing related to a child in his or her care. The notice shall include, but is not limited to, the name of the judge or hearing officer, the docket number, and the purpose and location of the hearing or meeting. If the department is providing such information to a child's biological parent, the department shall provide notice to the caregiver at the same time as the biological parent.

(l) If the caregiver agrees, consider the caregiver as a placement option for a child if such child was formerly placed with the caregiver and reenters out-of-home care.

(m) Upon reasonable notice from a caregiver, allow him or her a period of respite.

(n) Upon request, provide a caregiver with copies of all information in the department’s records relating to the caregiver.

(2)(a) If a caregiver believes that the department, an employee of the department, an agency under contract with the department, or an employee of such agency has violated this section, and that the violation has harmed or could harm a child who is or was in the custody of the department, or that the violation inhibited the caregiver’s ability to meet the child’s needs as set forth in the case plan, the caregiver may notify the liaison assigned to the caregiver or the child’s case manager. The liaison or case manager must make every attempt to resolve the dispute.

(b) If a caregiver believes the dispute is not adequately resolved by the case manager, the caregiver or the liaison for the caregiver may contact the supervisor of the liaison or the supervisor of the case manager. If the caregiver or the liaison for the caregiver contacts a supervisor in writing, he or she may copy the department on the communication and the department shall maintain a record of any such communication received.

(c) If a caregiver believes that the supervisor of the liaison or the supervisor of the case manager did not adequately resolve the dispute, the caregiver may contact the department, and the department must conduct a review and respond to the caregiver in writing within 30 days after being contacted.

Section 2. This act shall take effect July 1, 2019.

Approved by the Governor June 26, 2019.

Filed in Office Secretary of State June 26, 2019.