

CHAPTER 2020-40

Committee Substitute for House Bill No. 43

An act relating to child welfare; providing a short title; amending s. 25.385, F.S.; requiring the Florida Court Educational Council to establish certain standards for instruction of circuit and county court judges for dependency cases; deleting obsolete language; creating s. 39.0142, F.S.; requiring the Department of Law Enforcement to provide certain information to law enforcement officers relating to specified individuals; requiring that such information be provided in a specified manner; providing requirements for law enforcement officers relating to specified interactions with certain persons; requiring the central abuse hotline to provide relevant information to certain persons; amending s. 39.303, F.S.; requiring Child Protection Teams to be capable of providing certain training relating to head trauma and brain injuries in children younger than a specified age; amending s. 39.820, F.S.; revising the definition of the term “guardian ad litem;” making technical changes; amending s. 39.8296, F.S.; requiring that the guardian ad litem training program include training on the recognition of and responses to head trauma and brain injury in specified children; revising the membership of the curriculum committee established by the Statewide Guardian Ad Litem Office within the Justice Administrative Commission; amending s. 402.40, F.S.; requiring third-party credentialing entities to conduct reviews to ensure compliance with the entity’s published code of ethical and professional conduct and disciplinary procedures under certain circumstances; amending s. 402.402, F.S.; requiring certain child protective investigators, child protective investigation supervisors, and attorneys to complete training on the recognition of and responses to head trauma and brain injury in specified children; amending s. 409.988, F.S.; requiring lead agencies to provide certain individuals with training on the recognition of and responses to head trauma and brain injury in specified children; authorizing lead agencies to provide intensive family reunification services that combine child welfare and mental health services to certain families; creating s. 943.17298, F.S.; requiring the Criminal Justice Standards and Training Commission to establish standards for the instruction of law enforcement officers in a specified subject; requiring law enforcement officers to complete such training as part of either basic recruit training, continuing training, or education by a specified date; requiring the Florida Department of Law Enforcement, in collaboration with the Department of Children and Families, to submit quarterly status reports containing specified information to the Office of Policy and Budget in the Executive Office of the Governor and to the chair of each legislative appropriations committee until certain requirements are met; providing an effective date.

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

Section 1. This act may be cited as “Jordan’s Law.”

Section 2. Section 25.385, Florida Statutes, is amended to read:

~~25.385 Standards for instruction of circuit and county court judges in handling domestic violence cases.—~~

(1) The Florida Court Educational Council shall establish standards for instruction of circuit and county court judges who have responsibility for domestic violence cases, and the council shall provide such instruction on a periodic and timely basis.

~~(2) As used in this subsection, section:~~

~~(a) the term “domestic violence” has the meaning set forth in s. 741.28.~~

~~(b) “Family or household member” has the meaning set forth in s. 741.28.~~

(2) The Florida Court Educational Council shall establish standards for instruction of circuit and county court judges who have responsibility for dependency cases regarding the recognition of and responses to head trauma and brain injury in a child under 6 years of age. The council shall provide such instruction on a periodic and timely basis.

Section 3. Section 39.0142, Florida Statutes, is created to read:

39.0142 Notifying law enforcement officers of parent or caregiver names. Beginning March 1, 2021, the Department of Law Enforcement shall provide information to law enforcement officers stating whether a person is a parent or caregiver who is currently the subject of a child protective investigation for alleged child abuse, abandonment, or neglect or is a parent or caregiver of a child who has been allowed to return to or remain in the home under judicial supervision after an adjudication of dependency. The Florida Department of Law Enforcement shall provide this data via a Florida Crime Information Center query into the department’s child protection database.

(1) If a law enforcement officer has an interaction with a parent or caregiver as described in this section and the interaction results in the officer having concern about a child’s health, safety, or well-being, the officer shall report relevant details of the interaction to the central abuse hotline immediately after the interaction even if the requirements of s. 39.201, relating to a person having actual knowledge or suspicion of abuse, abandonment, or neglect, are not met.

(2) The central abuse hotline shall provide any relevant information to:

(a) The child protective investigator, if the parent or caregiver is the subject of a child protective investigation; or

(b) The child's case manager and the attorney representing the department, if the parent or caregiver has a child under judicial supervision after an adjudication of dependency.

Section 4. Paragraph (h) of subsection (3) of section 39.303, Florida Statutes, is amended to read:

39.303 Child Protection Teams and sexual abuse treatment programs; services; eligible cases.—

(3) The Department of Health shall use and convene the Child Protection Teams to supplement the assessment and protective supervision activities of the family safety and preservation program of the Department of Children and Families. This section does not remove or reduce the duty and responsibility of any person to report pursuant to this chapter all suspected or actual cases of child abuse, abandonment, or neglect or sexual abuse of a child. The role of the Child Protection Teams is to support activities of the program and to provide services deemed by the Child Protection Teams to be necessary and appropriate to abused, abandoned, and neglected children upon referral. The specialized diagnostic assessment, evaluation, coordination, consultation, and other supportive services that a Child Protection Team must be capable of providing include, but are not limited to, the following:

(h) Such training services for program and other employees of the Department of Children and Families, employees of the Department of Health, and other medical professionals as is deemed appropriate to enable them to develop and maintain their professional skills and abilities in handling child abuse, abandonment, and neglect cases. The training service must include training in the recognition of and appropriate responses to head trauma and brain injury in a child under 6 years of age as required by ss. 402.402(2) and 409.988.

A Child Protection Team that is evaluating a report of medical neglect and assessing the health care needs of a medically complex child shall consult with a physician who has experience in treating children with the same condition.

Section 5. Section 39.820, Florida Statutes, is amended to read:

39.820 Definitions.—As used in this chapter part, the term:

(1) “Guardian ad litem” as referred to in any civil or criminal proceeding includes the following: the Statewide Guardian Ad Litem Office, which includes circuit a-certified guardian ad litem programs; program, a duly certified volunteer, a staff member, a staff attorney, a contract attorney, or a certified pro bono attorney working on behalf of a guardian ad litem ~~or the program; staff members of a program office;~~ a court-appointed attorney; or a responsible adult who is appointed by the court to represent the best interests of a child in a proceeding as provided for by law, including, but not

limited to, this chapter, who is a party to any judicial proceeding as a representative of the child, and who serves until discharged by the court.

(2) “Guardian advocate” means a person appointed by the court to act on behalf of a drug dependent newborn under pursuant to the provisions of this part.

Section 6. Paragraph (b) of subsection (2) of section 39.8296, Florida Statutes, is amended to read:

39.8296 Statewide Guardian Ad Litem Office; legislative findings and intent; creation; appointment of executive director; duties of office.—

(2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a Statewide Guardian Ad Litem Office within the Justice Administrative Commission. The Justice Administrative Commission shall provide administrative support and service to the office to the extent requested by the executive director within the available resources of the commission. The Statewide Guardian Ad Litem Office ~~is~~ shall not be subject to control, supervision, or direction by the Justice Administrative Commission in the performance of its duties, but the employees of the office are ~~shall be~~ governed by the classification plan and salary and benefits plan approved by the Justice Administrative Commission.

(b) The Statewide Guardian Ad Litem Office shall, within available resources, have oversight responsibilities for and provide technical assistance to all guardian ad litem and attorney ad litem programs located within the judicial circuits.

1. The office shall identify the resources required to implement methods of collecting, reporting, and tracking reliable and consistent case data.

2. The office shall review the current guardian ad litem programs in Florida and other states.

3. The office, in consultation with local guardian ad litem offices, shall develop statewide performance measures and standards.

4. The office shall develop a guardian ad litem training program, which shall include, but is not limited to, training on the recognition of and responses to head trauma and brain injury in a child under 6 years of age. The office shall establish a curriculum committee to develop the training program specified in this subparagraph. The curriculum committee shall include, but not be limited to, dependency judges, directors of circuit guardian ad litem programs, active certified guardians ad litem, a mental health professional who specializes in the treatment of children, a member of a child advocacy group, a representative of a domestic violence advocacy group ~~the Florida Coalition Against Domestic Violence~~, an individual with a degree in social work, and a social worker experienced in working with victims and perpetrators of child abuse.

5. The office shall review the various methods of funding guardian ad litem programs, shall maximize the use of those funding sources to the extent possible, and shall review the kinds of services being provided by circuit guardian ad litem programs.

6. The office shall determine the feasibility or desirability of new concepts of organization, administration, financing, or service delivery designed to preserve the civil and constitutional rights and fulfill other needs of dependent children.

7. In an effort to promote normalcy and establish trust between a court-appointed volunteer guardian ad litem and a child alleged to be abused, abandoned, or neglected under this chapter, a guardian ad litem may transport a child. However, a guardian ad litem volunteer may not be required or directed by the program or a court to transport a child.

8. The office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court an interim report describing the progress of the office in meeting the goals as described in this section. The office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court a proposed plan including alternatives for meeting the state’s guardian ad litem and attorney ad litem needs. This plan may include recommendations for less than the entire state, may include a phase-in system, and shall include estimates of the cost of each of the alternatives. Each year the office shall provide a status report and provide further recommendations to address the need for guardian ad litem services and related issues.

Section 7. Subsection (3) of section 402.40, Florida Statutes, is amended to read:

402.40 Child welfare training and certification.—

(3) **THIRD-PARTY CREDENTIALING ENTITIES.**—The department shall approve one or more third-party credentialing entities for the purpose of developing and administering child welfare certification programs for persons who provide child welfare services. A third-party credentialing entity shall request such approval in writing from the department. In order to obtain approval, the third-party credentialing entity must:

(a) Establish professional requirements and standards that applicants must achieve in order to obtain a child welfare certification and to maintain such certification.

(b) Develop and apply core competencies and examination instruments according to nationally recognized certification and psychometric standards.

(c) Maintain a professional code of ethics and a disciplinary process that apply to all persons holding child welfare certification.

(d) Maintain a database, accessible to the public, of all persons holding child welfare certification, including any history of ethical violations.

(e) Require annual continuing education for persons holding child welfare certification.

(f) Administer a continuing education provider program to ensure that only qualified providers offer continuing education opportunities for certificateholders.

(g) Review the findings and all relevant records involving the death of a child or other critical incident following completion of any reviews by the department, the inspector general, or the Office of the Attorney General. Such review may occur only upon the filing of a complaint from an outside party involving certified personnel. This review shall assess the certified personnel's compliance with the third-party credentialing entity's published code of ethical and professional conduct and disciplinary procedures.

~~(h)~~(g) Maintain an advisory committee, including representatives from each region of the department, each sheriff's office providing child protective services, and each community-based care lead agency, who shall be appointed by the organization they represent. The third-party credentialing entity may appoint additional members to the advisory committee.

Section 8. Subsections (2) and (4) of section 402.402, Florida Statutes, are amended to read:

402.402 Child protection and child welfare personnel; attorneys employed by the department.—

(2) SPECIALIZED TRAINING.—All child protective investigators and child protective investigation supervisors employed by the department or a sheriff's office must complete the following specialized training:

(a) Training on the recognition of and responses to head trauma and brain injury in a child under 6 years of age developed by the Child Protection Team Program within the Department of Health.

(b) Training that is either focused on serving a specific population, including, but not limited to, medically fragile children, sexually exploited children, children under 3 years of age, or families with a history of domestic violence, mental illness, or substance abuse, or focused on performing certain aspects of child protection practice, including, but not limited to, investigation techniques and analysis of family dynamics.

The specialized training may be used to fulfill continuing education requirements under s. 402.40(3)(e). Individuals hired before July 1, 2014, shall complete the specialized training by June 30, 2016, and individuals hired on or after July 1, 2014, shall complete the specialized training within 2 years after hire. An individual may receive specialized training in multiple areas.

(4) ATTORNEYS EMPLOYED BY THE DEPARTMENT TO HANDLE CHILD WELFARE CASES.—Attorneys hired on or after July 1, 2014, whose primary responsibility is representing the department in child welfare cases shall, within the first 6 months of employment, receive training in all of the following:

(a) The dependency court process, including the attorney’s role in preparing and reviewing documents prepared for dependency court for accuracy and completeness.;

(b) Preparing and presenting child welfare cases, including at least 1 week shadowing an experienced children’s legal services attorney preparing and presenting cases.;

(c) Safety assessment, safety decisionmaking tools, and safety plans.;

(d) Developing information presented by investigators and case managers to support decisionmaking in the best interest of children.;

(e) The experiences and techniques of case managers and investigators, including shadowing an experienced child protective investigator and an experienced case manager for at least 8 hours.

(f) The recognition of and responses to head trauma and brain injury in a child under 6 years of age.

Section 9. Paragraph (f) of subsection (1) and subsection (3) of section 409.988, Florida Statutes, are amended to read:

409.988 Lead agency duties; general provisions.—

(1) DUTIES.—A lead agency:

(f) Shall ensure that all individuals providing care for dependent children receive appropriate training and meet the minimum employment standards established by the department. Appropriate training shall include, but is not limited to, training on the recognition of and responses to head trauma and brain injury in a child under 6 years of age developed by the Child Protection Team Program within the Department of Health.

(3) SERVICES.—A lead agency must provide dependent children with services that are supported by research or that are recognized as best practices in the child welfare field. The agency shall give priority to the use of services that are evidence-based and trauma-informed and may also provide other innovative services, including, but not limited to, family-centered and cognitive-behavioral interventions designed to mitigate out-of-home placements and intensive family reunification services that combine child welfare and mental health services for families with dependent children under 6 years of age.

Section 10. Section 943.17298, Florida Statutes, is created to read:

943.17298 Training in the recognition of and responses to head trauma and brain injury.—The commission shall establish standards for the instruction of law enforcement officers in the subject of recognition of and responses to head trauma and brain injury in a child under 6 years of age to aid an officer in the detection of head trauma and brain injury due to child abuse. Each law enforcement officer must successfully complete the training as part of the basic recruit training for a law enforcement officer, as required under s. 943.13(9), or as a part of continuing training or education required under s. 943.135(1), before July 1, 2022.

Section 11. Until all systems enhancements and integrations required to implement the provisions of s. 39.0142, Florida Statutes, are complete and in production, the Florida Department of Law Enforcement, in collaboration with the Department of Children and Families, shall submit quarterly status reports to the Office of Policy and Budget in the Executive Office of the Governor and the chair of each legislative appropriations committee. Each report must detail progress made to date on each activity needed to implement the technology provisions of the bill.

Section 12. This act shall take effect July 1, 2020.

Approved by the Governor June 18, 2020.

Filed in Office Secretary of State June 18, 2020.