

## CHAPTER 2021-169

### Committee Substitute for Committee Substitute for Senate Bill No. 80

An act relating to child welfare; creating s. 39.00146, F.S.; defining terms; requiring the case record of every child under the supervision or in the custody of the Department of Children and Families, the department's agents, or providers contracting with the department to include a case record face sheet; specifying information required to be included in the case record face sheet; requiring the department, the department's agents, and providers contracting with the department to update the case record face sheet monthly; providing requirements for the case record face sheet; authorizing the department to develop, or contract with a third party to develop, a case record face sheet; requiring community-based care lead agencies to use such face sheets; requiring the department to adopt rules; creating s. 39.01375, F.S.; providing best interest factors that certain entities must consider when determining a proposed placement for a child; amending s. 39.401, F.S.; requiring the department to determine out-of-home placement based on priority of placements and other factors; amending s. 39.402, F.S.; requiring the department to make reasonable efforts to place a child in out-of-home care based on priority of placements; providing exceptions and other criteria; creating s. 39.4021, F.S.; providing legislative findings; establishing certain placement priorities for out-of-home placements; requiring the department or lead agency to place sibling groups together when possible if in the best interest of each child after considering specified factors; providing an exception; providing construction; creating s. 39.4022, F.S.; providing legislative intent; defining terms; requiring that multidisciplinary teams be established for certain purposes; providing goals for such teams; providing for membership of multidisciplinary team staffings; authorizing the department or lead agency to invite other participants to attend a team staffing under certain circumstances; authorizing members of a multidisciplinary team to attend staffings in person or remotely; providing requirements for multidisciplinary team staffings; requiring that team staffings be held when specified decisions regarding a child must be made; providing applicability; requiring team staffing participants to gather and consider data and information on the child before formulating a decision; providing for the use of an evidence-based assessment instrument or tool; requiring multidisciplinary teams to conduct supplemental assessments for certain children; requiring team participants to gather certain information related to the child for such supplemental assessments; requiring that a unanimous consensus decision reached by the team becomes the official position and that specified parties are bound by such consensus decision; providing procedures for when the team does not reach a consensus decision; requiring that the department determine a suitable placement if the team cannot come to a consensus decision; requiring the formation of a team within specified timeframes; requiring the facilitator to file a report

with the court within a specified timeframe if the team does not reach a consensus decision; providing requirements for the report; authorizing specified parties to discuss confidential information during a team staffing in the presence of participating individuals; providing that information collected by any agency or entity that participates in a staffing which is confidential and exempt upon collection remains confidential and exempt when discussed in staffings; requiring individuals who participate in a staffing to maintain the confidentiality of all information shared; providing construction; requiring the department to adopt rules; requiring the department to contract for the development of model placement transition plans; providing requirements for such plans; requiring model placement transition plans to be provided to certain staff, and authorizing such plans to be provided to other persons; creating s. 39.4023, F.S.; providing legislative findings and intent; defining terms; providing for the creation of transition plans for specified changes in placement; providing conditions under which a child may be removed from a caregiver's home; requiring community-based care lead agencies to provide services to prevent a change in placement; requiring the department and a community-based care lead agency to convene a multidisciplinary team staffing to develop a transition plan under certain circumstances; requiring the department or community-based care lead agency to provide written notice of a planned placement change; providing requirements for the notice; providing applicability; requiring additional considerations for placement changes for infants and young children; providing findings; requiring the department or community-based care lead agency to create and implement individualized transition plans; requiring determinations of school changes to be made by certain individuals; authorizing a multidisciplinary team member to contact certain individuals for recommendations relating to school changes; authorizing certain individuals to attend multidisciplinary team staffings remotely; specifying factors that must be considered when determining whether a child should remain in a certain school; requiring children who enter out-of-home care or undergo changes in placement to remain with familiar child care providers or early education programs, if possible; providing requirements for transition plans for transitions between K-12 schools; requiring the department, in collaboration with the Quality Parenting Initiative, to develop a form for a specified purpose; specifying requirements for the form; requiring the department and community-based care lead agencies to document multidisciplinary team staffings and placement transition decisions in the Florida Safe Families Network and include such information in the social study report for judicial review; providing an exemption; requiring the department to adopt rules; creating s. 39.4024, F.S.; providing legislative findings; defining terms; requiring the department or lead agency to make reasonable efforts to place siblings in the same foster, kinship, adoptive, or guardianship home when certain conditions are met; requiring the department or lead agency and multidisciplinary team to take certain actions when siblings are not placed together; specifying that the department and court are not required to make a placement or change in placement to develop certain sibling relationships; requiring the

department or the lead agency to convene a multidisciplinary team staffing to determine and assess sibling relationships when a child is removed from a home; providing for the placement of sibling groups in certain circumstances; specifying factors for the multidisciplinary team to consider when determining placement or change of placement for children in sibling groups who do not have an existing relationship with siblings; requiring that a child's transition to a new home be carried out gradually when it is determined that the child would benefit from being placed with siblings; requiring the department, in collaboration with the Quality Parenting Initiative, to develop standard protocols for the department and lead agency for use in making specified decisions about child placement; providing considerations for maintaining contact between siblings when separated; providing duties for caregivers; prohibiting the court from limiting or restricting communication or visitation between siblings unless it finds that such communication or visitation is contrary to the safety or well-being of the child; requiring the department or community-based care lead agency to provide certain services if the court makes such a finding; requiring the department and community-based care lead agencies to periodically reassess certain sibling placements in certain instances; requiring the department to provide certain services to prevent disruption in a placement when a child does not adjust to such placement; requiring that a multidisciplinary team staffing is convened when one child does not adjust to placement as a sibling group under certain conditions; requiring the team to review such placement and choose a plan least detrimental to each child; requiring that a multidisciplinary team be convened in certain circumstances where the department or child subsequently identifies a sibling; requiring the department to provide children with specified information relating to their siblings; requiring the department to make reasonable efforts to ascertain such information if it is not known; providing that a child has a right to continued communication with a sibling under certain circumstances; requiring a court to consider certain recommendations when determining the appropriateness of continued communication; requiring the department and lead agencies to document in writing decisions to separate siblings in case files and the Florida Safe Families Network; specifying requirements for such documentation; providing an exemption; requiring the department to adopt rules; amending s. 39.522, F.S.; deleting and relocating criteria for the court to consider when determining whether a legal change of custody is in the best interest of the child; conforming a provision to changes made by the act; defining the term "change in physical custody"; providing a rebuttable presumption that the best interest of a child is to remain in a current placement; providing applicability for such presumption; establishing the manner in which to rebut the presumption; requiring the department or lead agency to notify certain caregivers within a specified timeframe of the intent to change the physical custody of a child; requiring that a multidisciplinary team staffing be held within a specified timeframe before the intended date for the child's change in physical custody; requiring that the department's official position be provided to the parties under certain circumstances; requiring the caregiver to provide written

notice of objection to such change in physical custody within a specified timeframe; requiring the court to conduct an initial case status hearing within a specified timeframe upon receiving specified written notice from a caregiver; providing procedures for when a caregiver objects to the child's change in physical custody; requiring the court to conduct an initial case status hearing; requiring the court to conduct an evidentiary hearing; requiring the department or lead agency to implement an appropriate transition plan if the court orders a change in physical custody of the child; amending s. 39.523, F.S.; requiring the department or lead agency to coordinate a multidisciplinary team staffing for specified purposes; requiring, rather than authorizing, the department to create rules; amending s. 39.6035, F.S.; requiring a transition plan be developed during the year after a child turns 16 years of age and be updated as needed; amending s. 39.701, F.S.; requiring judicial review hearings within a specified time after a child's specified birthday; providing the child and other relevant parties the opportunity to address the court at each review hearing; requiring the department to provide a report with certain information; authorizing the court to review the child's status on a more frequent basis; amending s. 39.806, F.S.; conforming a cross-reference; creating s. 39.8155, F.S.; providing that parental rights may be reinstated under certain conditions; requiring dismissal of the motion to reinstate parental rights if certain criteria are not met; providing evidence that may be considered when determining a motion to reinstate parental rights; requiring supervised visitation and trial home visits for a specified time after a completed home study; requiring the department to report to the court once a month; requiring visitation to cease under certain circumstances; requiring clear and convincing evidence that reinstatement of parental rights is in the child's best interest; requiring an in-home safety plan if parental rights are reinstated; requiring the court to determine whether to retain jurisdiction after a specified time; reenacting and amending s. 409.1451, F.S.; providing that aftercare services are available to certain young adults in emergency situations; revising the services that are included in aftercare services; providing responsibilities of the department for the Road-to-Independence Program; providing requirements for community-based care lead agencies; removing legislative determination relating to the Independent Living Services Advisory Council's ability to provide valuable contributions to the department; requiring certain information be reported to the Governor and the Legislature; revising membership of the council; authorizing the council to consult with certain youth; creating s. 409.14515, F.S.; providing requirements for the department to help children achieve self-sufficiency; amending s. 409.1454, F.S.; providing that children receiving certain services and support may be eligible to have certain fees paid for them; amending s. 409.988, F.S.; requiring a community-based care lead agency to serve certain children; creating s. 414.56, F.S.; creating the Office of Continuing Care; providing duties of the office; providing requirements for the Florida Institute for Child Welfare; providing evaluation and analysis requirements; requiring the evaluation

and analysis report be submitted to the Governor and Legislature by specified dates; providing an effective date.

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

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

39.00146 Case record face sheet.—

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

(a) “Multidisciplinary team” has the same meaning as provided in s. 39.4022(2).

(b) “Placement change” has the same meaning as provided in s. 39.4023(2).

(c) “School” has the same meaning as in s. 39.4023(2).

(d) “Sibling” has the same meaning as in s. 39.4024(2).

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

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

1. The child’s name and date of birth;

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

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

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

5. The date of removal from the home; and

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

(b) The name and contact information for any employees of the department, the department’s authorized agents, or providers contracting with the department, including community-based care lead agencies and their subcontracted service providers, who have worked with the child,

including the child's current and previous case managers, and the supervisor information for such employees.

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

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

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

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

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

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

(g) Any transitions in placement the child has experienced since the child's initial placement and a description of how such transitions were accomplished in accordance with s. 39.4023.

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

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

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

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

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

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

Section 2. Section 39.01375, Florida Statutes, is created to read:

39.01375 Best interest determination for placement.—The department, community-based care lead agency, or court shall consider all of the following factors when determining whether a proposed placement under this chapter is in the child’s best interest:

(1) The child’s age.

(2) The physical, mental, and emotional health benefits to the child by remaining in his or her current placement or moving to the proposed placement.

(3) The stability and longevity of the child’s current placement.

(4) The established bonded relationship between the child and the current or proposed caregiver.

(5) The reasonable preference of the child, if the child is of a sufficient age and capacity to express a preference.

(6) The recommendation of the child’s current caregiver, if applicable.

(7) The recommendation of the child’s guardian ad litem, if one has been appointed.

(8) The child's previous and current relationship with a sibling and if the change of legal or physical custody or placement will separate or reunite siblings, evaluated in accordance with s. 39.4024.

(9) The likelihood of the child attaining permanency in the current or proposed placement.

(10) The likelihood the child will be required to change schools or child care placement, the impact of such change on the child, and the parties' recommendations as to the timing of the change, including an education transition plan required under s. 39.4023.

(11) The child's receipt of medical, behavioral health, dental, or other treatment services in the current placement; the availability of such services and the degree to which they meet the child's needs; and whether the child will be able to continue to receive services from the same providers and the relative importance of such continuity of care.

(12) The allegations of any abuse, abandonment, or neglect, including sexual abuse and human trafficking history, which caused the child to be placed in out-of-home care and any history of additional allegations of abuse, abandonment, or neglect.

(13) The likely impact on activities that are important to the child and the ability of the child to continue such activities in the proposed placement.

(14) The likely impact on the child's access to education, Medicaid, and independent living benefits if moved to the proposed placement.

(15) Any other relevant factor.

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

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

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

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

(b) If the facts are sufficient and the child has not been returned to the custody of the parent or legal custodian, the department shall file the petition and schedule a hearing, and the attorney representing the department shall request that a shelter hearing be held within 24 hours after the removal of the child.



(c) While awaiting the shelter hearing, the authorized agent of the department may place the child in out-of-home care, and placement shall be determined based on priority of placements as provided in s. 39.4021 and what is in the child’s best interest based on the criteria and factors set out in s. 39.01375 ~~licensed shelter care or may release the child to a parent or legal custodian or responsible adult relative or the adoptive parent of the child’s sibling who shall be given priority consideration over a licensed placement, or a responsible adult approved by the department if this is in the best interests of the child.~~

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

(e) In addition, the department may authorize placement of a house-keeper/homemaker in the home of a child alleged to be dependent until the parent or legal custodian assumes care of the child.

Section 4. Paragraph (h) of subsection (8) of section 39.402, Florida Statutes, is amended to read:

39.402 Placement in a shelter.—

(8)

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

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

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

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

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

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

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

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

c. The child cannot safely remain at home, either because there are no preventive services that can ensure the health and safety of the child or because, even with appropriate and available services being provided, the health and safety of the child cannot be ensured; or

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

6. That the department has made reasonable efforts to place the child in order of priority as provided in s. 39.4021 unless such priority placement is not a placement option or in the best interest of the child based on the criteria and factors set out in s. 39.01375.

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

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

9.8. That the court notified the parents or legal custodians of their right to counsel to represent them at the shelter hearing and at each subsequent hearing or proceeding, and the right of the parents to appointed counsel, pursuant to the procedures set forth in s. 39.013.

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

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

Section 5. Section 39.4021, Florida Statutes, is created to read:

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

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

(2) PLACEMENT PRIORITY.—

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

1. Non-offending parent.
2. Relative caregiver.
3. Adoptive parent of the child's sibling, when the department or community-based care lead agency is aware of such sibling.
4. Fictive kin with a close existing relationship to the child.
5. Nonrelative caregiver that does not have an existing relationship with the child.
6. Licensed foster care.
7. Group or congregate care.

(b) Except as otherwise provided for in ss. 39.4022 and 39.4024, 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 ss. 39.4022 and 39.4024.

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

Section 6. Section 39.4022, Florida Statutes, is created to read:

39.4022 Multidisciplinary teams; staffings; assessments; report.—

(1) LEGISLATIVE INTENT.—

(a) The Legislature finds that services for children and families are most effective when delivered in the context of a single integrated multidisciplinary team staffing that includes the child, his or her family, natural and community supports, and professionals who join together to empower, motivate, and strengthen a family and collaboratively develop a plan of care

and protection to achieve child safety, child permanency, and child and family well-being.

(b) The Legislature also finds that effective assessment through an integrated multidisciplinary team is particularly important for children who are vulnerable due to existing histories of trauma which led to the child's entrance into the child welfare system. This assessment is especially important for young children who are 3 years of age or younger, as a result of the enhanced need for such children to have healthy and stable attachments to assist with necessary brain development. Stable and nurturing relationships in the first years of life, as well as the quality of such relationships, are integral to healthy brain development, providing a foundation for lifelong mental health and determining well-being as an adult.

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

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

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

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

(3) CREATION AND GOALS.—

(a) Multidisciplinary teams must be established for the purpose of allowing better engagement with families and a shared commitment and accountability from the family and their circle of support.

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

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

2. 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;

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

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

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

6. 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

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

(4) PARTICIPANTS.—

(a) Collaboration among diverse individuals who are part of the child’s network is necessary to make the most informed decisions possible for the child. A diverse team is preferable to ensure that the necessary combination of technical skills, cultural knowledge, community resources, and personal relationships is developed and maintained for the child and family. The participants necessary to achieve an appropriately diverse team for a child may vary by child and may include extended family, friends, neighbors, coaches, clergy, coworkers, or others the family identifies as potential sources of support.

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

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

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

c. The current caregiver, provided the caregiver is not a parent who meets the criteria of one of the exceptions under sub-subparagraph b.;

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

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

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

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

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

1. A representative from Children's Medical Services;
2. A guardian ad litem, if one is appointed;
3. A school personnel representative who has direct contact with the child;
4. A therapist or other behavioral health professional, if applicable;
5. A mental health professional with expertise in sibling bonding, if the department or lead agency deems such expert is necessary; or
6. Other community providers of services to the child or stakeholders, when applicable.

(c) Members of the multidisciplinary team who are required to attend under subparagraph (a)1. or who are invited to participate under paragraph (b) may attend the multidisciplinary team staffing in person or remotely.

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

#### (5) SCOPE OF MULTIDISCIPLINARY TEAM.—

(a) A multidisciplinary team staffing must be held when an important decision is required to be made about a child's life, including all of the following:

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

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

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

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

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

(b) A multidisciplinary team convened under this section may address multiple needs and decisions under paragraph (a) regarding the child or sibling group for which the team is convened during the same staffing.

(c) This section does not apply to multidisciplinary team staffings that occur for one of the decisions specified in paragraph (a) and that are facilitated by a children's advocacy center in accordance with s. 39.3035. The children's advocacy center that facilitates a staffing is encouraged to include family members or other persons important to the family in the staffing if the children's advocacy center determines it is safe for the child to involve such persons.

(d) This section does not apply to placements made pursuant to s. 63.082(6).

(6) ASSESSMENTS.—

(a)1. The multidisciplinary team staffing participants must, before formulating a decision under this section, gather and consider data and information on the child which is known at the time, including, but not limited to information allowing the team to address the best interest factors under s. 39.01375.

2. Multidisciplinary team staffings may not be delayed to accommodate pending behavioral health screenings or assessments or pending referrals for services.

(b) The assessment conducted by the multidisciplinary team may also use an evidence-based assessment instrument or tool that is best suited for determining the specific decision of the staffing and the needs of that individual child and family.

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

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

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

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

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

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

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

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

e. Effectively co-parent with the parent; and

f. Ensure frequent family visits and sibling visits.

4. Placement decisions for each child in out-of-home placement which are made under this paragraph must be reviewed as often as necessary to ensure permanency for that child and to address special issues that may arise which are unique to younger children.

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

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

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



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

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

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

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

Section 7. The department shall contract for the development of model placement transition plans and related explanatory material that may be the basis for developing individualized transition plans for children in out-of-home care who are changing placements. Such plans must provide specific recommendations regarding transition plan elements that may include, but are not limited to, the length and pace of the transition and the sequence of steps needed to gradually introduce new caregivers and to build relationships and attachments. The model transition plans shall consider and vary in response to important factors affecting how a child’s placement transition should proceed to mitigate trauma and encourage the child’s healthy development and the stability of the placement, which may include, but is not limited to, the child’s age or developmental stage; the level and type of abuse, neglect, or trauma experienced by the child; attachment to or the length of time the child has spent with the current caregiver; and familiarity with, location of, and attachment to the proposed caregiver. The model transition plans and accompanying explanatory material must be provided to, at a minimum, all staff who develops transition plans for children in out-of-home care, whether such staff works for the department, a community-

based care lead agency, or a subcontracted provider. The model transition plans and accompanying material may also be provided to caregivers and other child welfare professionals.

Section 8. Section 39.4023, Florida Statutes, is created to read:

39.4023 Placement and education transitions; transition plans.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

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

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

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

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

(e) It is the intent of the Legislature that a placement change or an educational change for a child in out-of-home care be achieved ideally through 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.

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

(a) "Educational change" means any time a child is moved between schools when such move is not the result of the natural transition from elementary school to middle school or middle school to high school. The term also includes changes in child care or early education programs for infants and toddlers.

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

(c) "Placement change" means any time a child is moved from one caregiver to another, including moves to a foster home, a group home, relatives, prospective guardians, or prospective adoptive parents and

removal from or reunification with parents or legal custodian. A child being moved temporarily to respite care for the purpose of providing the primary caregiver relief does not constitute a placement change.

(d) “School” means any child care, early education, elementary, secondary, or postsecondary educational setting.

(3) PLACEMENT TRANSITIONS.—

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

(b) Minimizing placement transitions.—Once a caregiver accepts the responsibility of caring for a child, the child may be removed from the home of the caregiver only for the reasons specified in s. 409.1415(2)(b)7.

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

(d) Transition planning.—

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

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

3. The department or the community-based care lead agency must provide written notice of the planned move at least 14 days before the move or within 72 hours after an emergency situation, to the greatest extent possible and consistent with the child’s needs and preferences. The notice must include the reason a placement change is necessary. A copy of the notice must be filed with the court and be provided to:

a. The child, unless he or she, due to age or capacity, is unable to comprehend the written notice, which will necessitate the department or

lead agency to provide notice in an age-appropriate and capacity-appropriate alternative manner;

- b. The child's parents, unless prohibited by court order;
- c. The child's out-of-home caregiver;
- d. The guardian ad litem, if one is appointed;
- e. The attorney for the child, if one is appointed; and
- f. The attorney for the department.

4.a. The transition plan must be developed through cooperation among the persons included in subparagraph 3., and such persons must share any relevant information necessary for its development. Subject to the child's needs and preferences, the transition plan must meet the requirements of s. 409.1415(2)(b)8. and exclude any placement changes that occur between 7 p.m. and 8 a.m.

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

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

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

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

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

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

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

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

(f) *Preparation of prospective caregivers before placement.*—

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

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

(4) EDUCATION TRANSITIONS.—

(a) *Findings.*—Children in out-of-home care frequently change child care, early education programs, and schools. These changes can occur when the child first enters out-of-home care, when the child must move from one caregiver to another, or when the child returns home upon reunification. Research shows that children who change schools frequently make less academic progress than their peers and fall further behind with each school change. Additionally, educational instability at any level makes it difficult for children to develop supportive relationships with teachers or peers. State and federal law contain requirements that must be adhered to in order to ensure educational stability for a child in out-of-home care. A child's educational setting should only be changed when maintaining the educational setting is not in the best interest of the child.

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

(c) *Minimizing school changes.*—

1. Every effort must be made to keep a child in the school of origin if it is in the child's best interest. Any placement decision must include thoughtful consideration of which school a child will attend if a school change is necessary.

2. Members of a multidisciplinary team staffing convened for a purpose other than a school change must determine the child's best interest regarding remaining in the school or program of origin if the child's

educational options are affected by any other decision being made by the multidisciplinary team.

3. The determination of whether it is in the child's best interest to remain in the school of origin, and if not, of which school the child will attend in the future, must be made in consultation with the following individuals, including, but not limited to, the child; the parents; the caregiver; the child welfare professional; the guardian ad litem, if appointed; the educational surrogate, if appointed; child care and educational staff, including teachers and guidance counselors; and the school district representative or foster care liaison. A multidisciplinary team member may contact any of these individuals in advance of a multidisciplinary team staffing to obtain his or her recommendation. An individual may remotely attend the multidisciplinary team staffing if one of the identified goals is related to determining an educational placement. The multidisciplinary team may rely on a report from the child's current school or program district and, if applicable, any other school district being considered for the educational placement if the required school personnel are not available to attend the multidisciplinary team staffing in person or remotely.

4. The multidisciplinary team and the individuals listed in subparagraph 3. must consider, at a minimum, all of the following factors when determining whether remaining in the school or program of origin is in the child's best interest or, if not, when selecting a new school or program:

- a. The child's desire to remain in the school or program of origin.
- b. The preference of the child's parents or legal guardians.
- c. Whether the child has siblings, close friends, or mentors at the school or program of origin.
- d. The child's cultural and community connections in the school or program of origin.
- e. Whether the child is suspected of having a disability under the Individuals with Disabilities Education Act (IDEA) or s. 504 of the Rehabilitation Act of 1973, or has begun receiving interventions under this state's multitiered system of supports.
- f. Whether the child has an evaluation pending for special education and related services under IDEA or s. 504 of the Rehabilitation Act of 1973.
- g. Whether the child is a student with a disability under IDEA who is receiving special education and related services or a student with a disability under s. 504 of the Rehabilitation Act of 1973 who is receiving accommodations and services and, if so, whether those required services are available in a school or program other than the school or program of origin.

h. Whether the child is an English Language Learner student and is receiving language services, and if so, whether those required services are available in a school or program other than the school or program of origin.

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

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

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

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

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

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

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

5. The cost of transportation cannot be a factor in making a best interest determination.

(d) *Transitions between child care and early education programs.*—When a child enters out-of-home care or undergoes a placement change, the child shall, if possible, remain with a familiar child care provider or early education program unless there is an opportunity to transition to a higher quality program. If it is not possible for the child to remain with the familiar child care provider or early education program or transition to a higher quality program, the child's transition plan must be made with the participation of the child's current and future school or program. The plan must give the child an opportunity to say goodbye to important figures in the educational environment.

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

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

2. Documentation that the department or community-based care lead agency has coordinated, or will coordinate before the school change, with local educational agencies to provide immediate and appropriate enrollment in a new school, including transfer of educational records, any record of a

school-entry health examination, and arrangements for transportation to the new school.

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

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

(5) TRANSITION PLAN AND DOCUMENTATION.—

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

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

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

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

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

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

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

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

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

Section 9. Section 39.4024, Florida Statutes, is created to read:

39.4024 Placement of siblings; visitation; continuing contact.—

(1) LEGISLATIVE FINDINGS.—



(a) The Legislature finds that sibling relationships can provide a significant source of continuity throughout a child's life and are likely to be the longest relationships that most individuals experience. Further, the placement of siblings together can increase the likelihood of achieving permanency and is associated with a significantly higher rate of family reunification.

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

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

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

(e) While there is a presumption in law and policy that it is in the best interest of a child going into out-of-home care to be placed with any siblings, the Legislature finds that overall well-being of the child and family improves when the person or team responsible for placement decisions evaluates the child's sibling and family bonds and prioritizes the bonds that are unique drivers of the child's ability to maintain and develop healthy relationships. The person or team with an understanding of the need to balance all attachment bonds of a child and the potential need to prioritize existing and healthy sibling relationships differently than a potential or unhealthy sibling relationship over a healthy existing bond with a caregiver will result in more stable and healthier placements for all children in out-of-home care.

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

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

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

(c) "Sibling" means:

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

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

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

(a) General provisions.—

1. The department or lead agency shall make reasonable efforts to place sibling groups that are removed from their home in the same foster, kinship, adoptive, or guardianship home when it is in the best interest of each sibling and when an appropriate, capable, and willing joint placement for the sibling group is available.

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

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

4. The department and the court are not required to make a change in placement, whether such change is to the physical residential address of the child or the legal custody of the child, to develop a relationship between siblings which did not exist at the time a child is placed in out-of-home care and must determine whether the change in placement is contrary to the child's safety and well-being by evaluating all of the factors in this section and ss. 39.01375, 39.4022, and 39.4023.

(b) Factors to consider when placing sibling groups.—

1. At the time a child who is a part of a sibling group is removed from the home, the department or lead agency shall convene a multidisciplinary team staffing in accordance with s. 39.4022 to determine and assess the sibling relationships from the perspective of each child to ensure the best placement of each child in the sibling group. The multidisciplinary team shall consider all relevant factors included in s. 39.01375 and this section, including, but not limited to, the existing emotional ties between and among the siblings, the degree of harm each child is likely to experience as a result of separation,

and the standard protocols established by the Quality Parenting Initiative under paragraph (d).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

e. The ability to establish and maintain sibling visitation and contact pursuant to this section in a manner and schedule that makes sense for an infant or young child if it is determined that the infant or young child is to remain with his or her primary caregivers rather than be placed with his or her siblings.

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

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

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

#### (4) MAINTAINING CONTACT WHEN SIBLINGS ARE SEPARATED.

(a) Regular contact among a sibling group that cannot be placed together, especially among siblings with existing attachments to each other, is critical for the siblings to maintain their existing bonds and relationships or to develop such bonds and attachments, if appropriate. The following practices must be considered in helping to maintain or strengthen the relationships of separated siblings:

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

2. Provide adequate support to address any caregiver concerns and to enhance the caregiver's ability to facilitate contact between siblings who are

not in the same out-of-home placement and promote the benefits of sibling contact.

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

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

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

6. Provide other forms of contact when regular in-person meetings are not possible or are not sufficient to meet the needs or desires of the siblings, such as maintaining frequent contact through letters, e-mail, social media, cards, or telephone calls.

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

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

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

(b) The court may not limit or restrict communication or visitation under this subsection unless there is a finding that the communication or visitation between the child and his or her siblings is contrary to the safety or well-being of the child. If the court makes such a finding, and services are available that would reasonably be expected to ameliorate the risk to the child's safety or well-being that are the basis of the court's finding and that may result in the communication and visitation being restored, the court must direct the department or community-based care lead agency to immediately provide such services.

(5) SUBSEQUENT REVIEWS.—

(a) The department and the lead agency shall periodically, but at least once every 6 months, reassess sibling placement, visitation, and other sibling contact decisions in cases where siblings are separated, not visiting, or not maintaining contact to determine if a change in placement is warranted unless the decision to not place a child with his or her sibling group was made due to such placement being inappropriate, unhealthy, or unsafe for the child.

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

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

#### (6) ADDITIONAL REQUIREMENTS AND CONSIDERATIONS.—

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

(b)1. If a child's sibling is also in out-of-home care and such sibling leaves out-of-home care due to emancipation or reunification with his or her parent or guardian, the child must be allowed to communicate with that emancipated or reunified sibling, if the emancipated sibling or the reunified sibling and his or her parent consent.

2. If a child's sibling is also in out-of-home care and such sibling leaves out-of-home care for any reason, including, but not limited to, the reasons in subparagraph 1. and communication is not occurring, the child has a right to have the court consider the appropriateness of continued communication with his or her sibling. The court shall consider the recommendation of the department or community-based care lead agency and any other information deemed relevant by the court.

3. If a child's sibling leaves out-of-home care because he or she is adopted, the child may be allowed to have continued communication with the sibling either by consent of the adoptive parent or by order of the court in accordance with s. 63.0427.

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

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

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

Section 10. Section 39.522, Florida Statutes, is amended to read:

39.522 Postdisposition change of custody.—

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

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

(b) Upon the admission of a need for a change or after such hearing, the court shall enter an order changing the placement, modifying the conditions of protective supervision, or continuing the conditions of protective supervision as ordered. The standard for changing custody of the child shall be the best interests of the child. When determining whether a change of legal custody or placement is in the best interests of the child, the court shall consider the factors listed in s. 39.01375 and the report filed by the multidisciplinary team, if applicable, unless the change of custody or placement is made pursuant to s. 63.082(6). The court shall also consider the priority of placements established under s. 39.4021 when making a decision regarding the best interest of the child in out-of-home care:

1. The child's age.

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

~~3.—The stability and longevity of the child’s current placement.~~

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

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

~~6.—The recommendation of the child’s current caregiver.~~

~~7.—The recommendation of the child’s guardian ad litem, if one has been appointed.~~

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

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

~~10.—Any other relevant factors.~~

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

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

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

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

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

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

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



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

2. In order to rebut the presumption established in this paragraph, the court shall hold an evidentiary hearing on the change in physical custody to determine if the change in placement is in the best interest of the child. As part of the evidentiary hearing, the court must consider competent and substantial evidence and testimony related to the factors enumerated in s. 39.01375 and any other evidence deemed relevant to a determination of placement, including evidence from a court-selected neutral and independent licensed professional with expertise in the science and research of child-parent bonding.

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

(c)1. The department or community-based care lead agency must notify a current caregiver who has been in the physical custody placement for at least 9 consecutive months and who meets all the established criteria in paragraph (b) of an intent to change the physical custody of the child, and a multidisciplinary team staffing must be held in accordance with ss. 39.4022 and 39.4023 at least 21 days before the intended date for the child's change in physical custody, unless there is an emergency situation as defined in s. 39.4022(2)(b). If there is not a unanimous consensus decision reached by the multidisciplinary team, the department's official position must be provided to the parties within the designated time period as provided for in s. 39.4022.

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

3. Upon the department or community-based care lead agency receiving written notice of the caregiver's objection, the change to the child's physical custody must be placed in abeyance and the child may not be transitioned to a new physical placement without a court order, unless there is an emergency situation as defined in s. 39.4022(2)(b).

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

a. Grant party status to the current caregiver who is seeking permanent custody and has maintained physical custody of that child for at least 9 continuous months for the limited purpose of filing a motion for a hearing on the objection and presenting evidence pursuant to this subsection;

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

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

d. Appoint a court-selected neutral and independent licensed professional with expertise in the science and research of child-parent bonding.

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

(e) If the court orders that the physical custody of the child change from the current caregiver after the evidentiary hearing, the department or community-based care lead agency must implement the appropriate transition plan developed in accordance with ss. 39.4022 and 39.4023 or as ordered by the court.

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

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

(6)(4) In cases in which the issue before the court is whether to place a child in out-of-home care after the child was placed in the child’s own home with an in-home safety plan or the child was reunified with a parent or caregiver with an in-home safety plan, the court must consider, at a minimum, the following factors in making its determination whether to place the child in out-of-home care:

- (a) The circumstances that caused the child’s dependency and other subsequently identified issues.
- (b) The length of time the child has been placed in the home with an in-home safety plan.
- (c) The parent’s or caregiver’s current level of protective capacities.
- (d) The level of increase, if any, in the parent’s or caregiver’s protective capacities since the child’s placement in the home based on the length of time the child has been placed in the home.

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

Section 11. Subsections (2) and (5) of section 39.523, Florida Statutes, are amended to read:

39.523 Placement in out-of-home care.—

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

(a) ~~The community-based care lead agency or subcontracted agency with the responsibility for assessment and placement must coordinate a multi-disciplinary team staffing as established in s. 39.4022 with the necessary participants for the stated purpose of the staffing with any available individual currently involved with the child including, but not limited to, a representative from the department and the case manager for the child; a therapist, attorney ad litem, guardian ad litem, teachers, coaches, Children’s Medical Services; and other community providers of services to the child or stakeholders as applicable. The team may also include clergy, relatives, and fictive kin if appropriate. Team participants must gather data and information on the child which is known at the time including, but not limited to:~~

- 1.— ~~Mental, medical, behavioral health, and medication history;~~
- 2.— ~~Community ties and school placement;~~

~~3.— Current placement decisions relating to any siblings;~~

~~4.— Alleged type of abuse or neglect including sexual abuse and trafficking history; and~~

~~5.— The child's age, maturity, strengths, hobbies or activities, and the child's preference for placement.~~

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

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

(d) Placement decisions for each child in out-of-home placement shall be reviewed as often as necessary to ensure permanency for that child and address special issues related to this population of children.

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

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

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

Section 12. Subsection (1) of section 39.6035, Florida Statutes, is amended to read:

39.6035 Transition plan.—

(1) During the year ~~180-day period~~ after a child reaches 16 ~~17~~ years of age, the department and the community-based care provider, in collaboration with the caregiver and any other individual whom the child would like to include, shall assist the child in developing a transition plan. The required transition plan is in addition to standard case management requirements. The transition plan must address specific options for the child to use in obtaining services, including housing, health insurance, education, financial literacy, a driver license, and workforce support and employment services. The plan must also include tasks to establish and maintain ~~consider establishing and maintaining~~ naturally occurring mentoring relationships and other personal support services. The transition plan may be as detailed as the child chooses. This plan shall be updated as needed before the child

reaches 18 years of age. In developing and updating the transition plan, the department and the community-based care lead agency provider shall:

- (a) Provide the child with the documentation required under pursuant to s. 39.701(3);
- (b) Coordinate the transition plan with the independent living provisions in the case plan and, for a child with disabilities, the Individuals with Disabilities Education Act transition plan; ~~and~~
- (c) Provide information for the financial literacy curriculum for youth offered by the Department of Financial Services.

Section 13. Subsection (3) of section 39.701, Florida Statutes, is amended to read:

39.701 Judicial review.—

(3) REVIEW HEARINGS FOR CHILDREN 16 AND 17 YEARS OF AGE. At each review hearing held under this subsection, the court shall give the child the opportunity to address the court and provide any information relevant to the child’s best interest, particularly in relation to independent living transition services. The foster parent, legal custodian, or guardian ad litem may also provide any information relevant to the child’s best interest to the court.

(a) In addition to the review and report required under paragraphs (1)(a) and (2)(a), respectively, the court shall:

(a) Inquire about the life skills the child has acquired and whether those services are age appropriate, at the first judicial review hearing held subsequent to the child’s 16th birthday. At the ~~Hold~~ a judicial review hearing, the department shall provide the court with a report that includes specific information related to the life skills that the child has acquired since the child’s 13th birthday, or since the date the child came into foster care, whichever came later within 90 days after a child’s 17th birthday. For any child who may meet the requirements for appointment of a guardian advocate under s. 393.12, or a guardian under chapter 744, the updated case plan must be developed in a face-to-face conference with the child, if appropriate; the child’s attorney; any court-appointed guardian ad litem; the temporary custodian of the child; and the parent of the child, if the parent’s rights have not been terminated. The court shall also issue an order, separate from the order on judicial review, that the disability of nonage of the child has been removed pursuant to ss. 743.044, 743.045, 743.046, and 743.047, and for any of these disabilities that the court finds is in the child’s best interest to remove. The court shall continue to hold timely judicial review hearings. If necessary, the court may review the status of the child more frequently during the year before the child’s 18th birthday. At each review hearing held under this subsection, in addition to any information or report provided to the court by the foster parent, legal custodian, or guardian

ad litem, the child shall be given the opportunity to address the court with any information relevant to the child's best interest, particularly in relation to independent living transition services.

(b) The court shall hold a judicial review hearing within 90 days after a child's 17th birthday. The court shall issue an order, separate from the order on judicial review, that the disability of nonage of the child has been removed under ss. 743.044, 743.045, 743.046, and 743.047, for any disability that the court finds is in the child's best interest to remove. The department shall include in the social study report for the first judicial review that occurs after the child's 17th birthday written verification that the child has:

1. A current Medicaid card and all necessary information concerning the Medicaid program sufficient to prepare the child to apply for coverage upon reaching the age of 18, if such application is appropriate.

2. A certified copy of the child's birth certificate and, if the child does not have a valid driver license, a Florida identification card issued under s. 322.051.

3. A social security card and information relating to social security insurance benefits if the child is eligible for those benefits. If the child has received such benefits and they are being held in trust for the child, a full accounting of these funds must be provided and the child must be informed as to how to access those funds.

4. All relevant information related to the Road-to-Independence Program under s. 409.1451, including, but not limited to, eligibility requirements, information on participation, and assistance in gaining admission to the program. If the child is eligible for the Road-to-Independence Program, he or she must be advised that he or she may continue to reside with the licensed family home or group care provider with whom the child was residing at the time the child attained his or her 18th birthday, in another licensed family home, or with a group care provider arranged by the department.

5. An open bank account or the identification necessary to open a bank account and to acquire essential banking and budgeting skills.

6. Information on public assistance and how to apply for public assistance.

7. A clear understanding of where he or she will be living on his or her 18th birthday, how living expenses will be paid, and the educational program or school in which he or she will be enrolled.

8. Information related to the ability of the child to remain in care until he or she reaches 21 years of age under s. 39.013.

9. A letter providing the dates that the child is under the jurisdiction of the court.

10. A letter stating that the child is in compliance with financial aid documentation requirements.
11. The child's educational records.
12. The child's entire health and mental health records.
13. The process for accessing the child's ~~his or her~~ case file.
14. A statement encouraging the child to attend all judicial review hearings ~~occurring after the child's 17th birthday~~.
15. Information on how to obtain a driver license or learner's driver license.

~~(c)(b)~~ At the first judicial review hearing held subsequent to the child's 17th birthday, the department shall provide the court with an updated case plan that includes specific information related to the independent living skills that the child has acquired since the child's 13th birthday, or since the date the child came into foster care, whichever came later.

~~1. For any child who may meet the requirements for appointment of a guardian pursuant to chapter 744, or a guardian advocate pursuant to s. 393.12, the updated case plan must be developed in a face-to-face conference with the child, if appropriate; the child's attorney; any court-appointed guardian ad litem; the temporary custodian of the child; and the parent, if the parent's rights have not been terminated.~~

~~2. At the judicial review hearing, if the court determines pursuant to chapter 744 that there is a good faith basis to believe that the child qualifies for appointment of a guardian advocate, limited guardian, or plenary guardian for the child and that no less restrictive decisionmaking assistance will meet the child's needs:~~

~~1.a.~~ The department shall complete a multidisciplinary report which must include, but is not limited to, a psychosocial evaluation and educational report if such a report has not been completed within the previous 2 years.

~~2.b.~~ The department shall identify one or more individuals who are willing to serve as the guardian advocate under ~~pursuant to~~ s. 393.12 or as the plenary or limited guardian under ~~pursuant to~~ chapter 744. Any other interested parties or participants may make efforts to identify such a guardian advocate, limited guardian, or plenary guardian. The child's biological or adoptive family members, including the child's parents if the parents' rights have not been terminated, may not be considered for service as the plenary or limited guardian unless the court enters a written order finding that such an appointment is in the child's best interests.

~~3.e.~~ Proceedings may be initiated within 180 days after the child's 17th birthday for the appointment of a guardian advocate, plenary guardian, or limited guardian for the child in a separate proceeding in the court division

with jurisdiction over guardianship matters and pursuant to chapter 744. The Legislature encourages the use of pro bono representation to initiate proceedings under this section.

~~4.3.~~ In the event another interested party or participant initiates proceedings for the appointment of a guardian advocate, plenary guardian, or limited guardian for the child, the department shall provide all necessary documentation and information to the petitioner to complete a petition under s. 393.12 or chapter 744 within 45 days after the first judicial review hearing after the child's 17th birthday.

~~5.4.~~ Any proceedings seeking appointment of a guardian advocate or a determination of incapacity and the appointment of a guardian must be conducted in a separate proceeding in the court division with jurisdiction over guardianship matters and pursuant to chapter 744.

~~(d)(e)~~ If the court finds at the judicial review hearing after the child's 17th birthday that the department has not met its obligations to the child as stated in this part, in the written case plan, or in the provision of independent living services, the court may issue an order directing the department to show cause as to why it has not done so. If the department cannot justify its noncompliance, the court may give the department 30 days within which to comply. If the department fails to comply within 30 days, the court may hold the department in contempt.

~~(e)(d)~~ If necessary, the court may review the status of the child more frequently during the year before the child's 18th birthday. At the last review hearing before the child reaches 18 years of age, and in addition to the requirements of subsection (2), the court shall:

1. Address whether the child plans to remain in foster care, and, if so, ensure that the child's transition plan includes a plan for meeting one or more of the criteria specified in s. 39.6251.

2. Ensure that the transition plan includes a supervised living arrangement under s. 39.6251.

3. Ensure the child has been informed of:

a. The right to continued support and services from the department and the community-based care lead agency.

b. The right to request termination of dependency jurisdiction and be discharged from foster care.

c. The opportunity to reenter foster care under pursuant to s. 39.6251.

4. Ensure that the child young adult, if he or she requests termination of dependency jurisdiction and discharge from foster care, has been informed of:



a. Services or benefits for which the child ~~young adult~~ may be eligible based on his or her former placement in foster care, including, but not limited to, the assistance of the Office of Continuing Care under s. 414.56;

b. Services or benefits that may be lost through termination of dependency jurisdiction, ~~and~~

c. Other federal, state, local, or community-based services or supports available to him or her.

Section 14. Paragraph (e) of subsection (1) of section 39.806, Florida Statutes, is amended to read:

39.806 Grounds for termination of parental rights.—

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

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

1. The child continues to be abused, neglected, or abandoned by the parent or parents. The failure of the parent or parents to substantially comply with the case plan for a period of 12 months after an adjudication of the child as a dependent child or the child’s placement into shelter care, whichever occurs first, constitutes evidence of continuing abuse, neglect, or abandonment unless the failure to substantially comply with the case plan was due to the parent’s lack of financial resources or to the failure of the department to make reasonable efforts to reunify the parent and child. The 12-month period begins to run only after the child’s placement into shelter care or the entry of a disposition order placing the custody of the child with the department or a person other than the parent and the court’s approval of a case plan having the goal of reunification with the parent, whichever occurs first; or

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

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

Section 15. Section 39.8155, Florida Statutes, is created to read:

39.8155 Reinstatement of parental rights.—

(1) After parental rights have been terminated in accordance with this part, the department, the parent whose rights were terminated, or the child may file a motion to reinstate the parent's parental rights. The court may consider a motion to reinstate parental rights if:

(a) The grounds for termination of parental rights were based on s. 39.806(1)(a) or (e)1.-3.

(b) The parent is not the verified perpetrator of sexual or physical abuse of the child.

(c) The parent has not been a perpetrator involved in any verified reports of abuse, neglect, or abandonment since his or her parental rights for the child were terminated.

(d) The parent has not had his or her parental rights terminated for any other child, under any grounds, in this state or any other jurisdiction, since his or her parental rights for the child were terminated.

(e) The child is at least 13 years of age.

(f) The child has not achieved permanency and is not in a preadoptive placement, and at least 36 months have passed since the termination of parental rights.

(2) The court shall dismiss a motion to reinstate parental rights if the criteria are not met in subsection (1).

(3) If a motion to reinstate parental rights is filed, the court shall consider all relevant evidence, including whether:

(a) The child possesses sufficient maturity to express a preference regarding the reinstatement of parental rights.

(b) The child is not in a preadoptive home or under permanent guardianship.

(c) The parent has a documented change in behavior such that, given the current age and maturity of the child, the circumstances that brought the child into care are remedied.

(d) The parent demonstrates sufficient protective capacities, given the child's age, physical and behavioral health, and any other specific characteristics and needs, such that the risk of the child reentering care is low.

(e) Both the parent and child wish to reinstate parental rights.

(f) The child's guardian ad litem recommends the reinstatement of parental rights.

(g) A multidisciplinary team was convened under s. 39.4022 and recommends the reinstatement of parental rights and has developed a plan to transition the child to the former parent's care pursuant to s. 39.4023.

(4) Upon finding that the criteria in subsection (3) are established by clear and convincing evidence, the court shall order the department to conduct supervised visitation and trial home visits between the child and former parent for at least 3 consecutive months after the completion of a home study. In issuing the order, the court shall consider the transition plan developed by the child's multidisciplinary team. The department shall report to the court at least once every 30 days regarding the former parent's interactions with the child and recommend whether the court should reinstate parental rights. The department shall immediately cease the visitation with the former parent if there is an allegation of abuse, neglect, or abandonment of the child by the parent; if the department determines that the child's safety or well-being is threatened; or that such visitation is not in the child's best interest. The department shall immediately notify the court if it ceases visitation between the child and former parent.

(5) The court may reinstate parental rights upon a finding of clear and convincing evidence that it is in the best interest of the child. Upon ordering reinstatement of parental rights, the court shall place the child in the custody of the former parent with an in-home safety plan. The court shall retain jurisdiction for at least 6 months, during which the department shall supervise the placement and report to the court on the stability of the placement. The court shall determine whether its jurisdiction should be continued or terminated 6 months after reinstating parental rights based on a report from the department or the child's guardian ad litem and any other relevant factors.

Section 16. Subsections (3), (5), and (7) of section 409.1451, Florida Statutes, are amended, and subsections (1), (2), (4), (6), and (8) through (11) of that section are reenacted, to read:

409.1451 The Road-to-Independence Program.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature recognizes that most children and young adults are resilient and, with adequate support, can expect to be successful as independent adults. Not unlike many young adults, some young adults who have lived in foster care need additional support and resources for a period of time after reaching 18 years of age.

(b) The Legislature finds that while it is important to provide young adults who have lived in foster care with education and independent living skills, there is also a need to focus more broadly on creating and preserving family relationships so that young adults have a permanent connection with

at least one committed adult who provides a safe and stable parenting relationship.

(c) It is the intent of the Legislature that young adults who choose to participate in the program receive the skills, education, and support necessary to become self-sufficient and leave foster care with a lifelong connection to a supportive adult through the Road-to-Independence Program, either through postsecondary education services and support, as provided in subsection (2), or aftercare services.

(2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

(a) A young adult is eligible for services and support under this subsection if he or she:

1. Was living in licensed care on his or her 18th birthday or is currently living in licensed care; or was at least 16 years of age and was adopted from foster care or placed with a court-approved dependency guardian after spending at least 6 months in licensed care within the 12 months immediately preceding such placement or adoption;

2. Spent at least 6 months in licensed care before reaching his or her 18th birthday;

3. Earned a standard high school diploma pursuant to s. 1002.3105(5), s. 1003.4281, or s. 1003.4282, or its equivalent pursuant to s. 1003.435;

4. Has been admitted for enrollment as a full-time student or its equivalent in an eligible postsecondary educational institution as provided in s. 1009.533. For purposes of this section, the term “full-time” means 9 credit hours or the vocational school equivalent. A student may enroll part-time if he or she has a recognized disability or is faced with another challenge or circumstance that would prevent full-time attendance. A student needing to enroll part-time for any reason other than having a recognized disability must get approval from his or her academic advisor;

5. Has reached 18 years of age but is not yet 23 years of age;

6. Has applied, with assistance from the young adult’s caregiver and the community-based lead agency, for any other grants and scholarships for which he or she may qualify;

7. Submitted a Free Application for Federal Student Aid which is complete and error free; and

8. Signed an agreement to allow the department and the community-based care lead agency access to school records.

(b) The amount of the financial assistance shall be as follows:

1. For a young adult who does not remain in foster care and is attending a postsecondary school as provided in s. 1009.533, the amount is \$1,256 monthly.

2. For a young adult who remains in foster care, is attending a postsecondary school, as provided in s. 1009.533, and continues to reside in a licensed foster home, the amount is the established room and board rate for foster parents. This takes the place of the payment provided for in s. 409.145(3).

3. For a young adult who remains in foster care, but temporarily resides away from a licensed foster home for purposes of attending a postsecondary school as provided in s. 1009.533, the amount is \$1,256 monthly. This takes the place of the payment provided for in s. 409.145(3).

4. For a young adult who remains in foster care, is attending a postsecondary school as provided in s. 1009.533, and continues to reside in a licensed group home, the amount is negotiated between the community-based care lead agency and the licensed group home provider.

5. For a young adult who remains in foster care, but temporarily resides away from a licensed group home for purposes of attending a postsecondary school as provided in s. 1009.533, the amount is \$1,256 monthly. This takes the place of a negotiated room and board rate.

6. A young adult is eligible to receive financial assistance during the months when he or she is enrolled in a postsecondary educational institution.

(c) Payment of financial assistance for a young adult who:

1. Has chosen not to remain in foster care and is attending a postsecondary school as provided in s. 1009.533, shall be made to the community-based care lead agency in order to secure housing and utilities, with the balance being paid directly to the young adult until such time the lead agency and the young adult determine that the young adult can successfully manage the full amount of the assistance.

2. Has remained in foster care under s. 39.6251 and who is attending postsecondary school as provided in s. 1009.533, shall be made directly to the foster parent or group home provider.

3. Community-based care lead agencies or other contracted providers are prohibited from charging a fee associated with administering the Road-to-Independence payments.

(d)1. The department must advertise the availability of the stipend and must provide notification of the criteria and application procedures for the stipend to children and young adults leaving, or who were formerly in, foster care; caregivers; case managers; guidance and family services counselors; principals or other relevant school administrators; and guardians ad litem.

2. If the award recipient transfers from one eligible institution to another and continues to meet eligibility requirements, the award shall be transferred with the recipient.

3. The department, or an agency under contract with the department, shall evaluate each Road-to-Independence award for renewal eligibility on an annual basis. In order to be eligible for a renewal award for the subsequent year, the young adult must:

a. Be enrolled for or have completed the number of hours, or the equivalent, to be considered a full-time student under subparagraph (a)4., unless the young adult qualifies for an exception under subparagraph (a)4.

b. Maintain standards of academic progress as defined by the education institution, except that if the young adult's progress is insufficient to renew the award at any time during the eligibility period, the young adult may continue to be enrolled for additional terms while attempting to restore eligibility as long as progress towards the required level is maintained.

4. Funds may be terminated during the interim between an award and the evaluation for a renewal award if the department, or an agency under contract with the department, determines that the award recipient is no longer enrolled in an educational institution as described in subparagraph (a)4. or is no longer a resident of this state.

5. The department, or an agency under contract with the department, shall notify a recipient who is terminated and inform the recipient of his or her right to appeal.

6. An award recipient who does not qualify for a renewal award or who chooses not to renew the award may apply for reinstatement. An application for reinstatement must be made before the young adult reaches 23 years of age. In order to be eligible for reinstatement, the young adult must meet the eligibility criteria and the criteria for award renewal for the program.

(3) **AFTERCARE SERVICES.—**

(a)1. Aftercare services are available to a young adult who has reached 18 years of age but is not yet 23 years of age and is:

a.1. Not in foster care.

b.2. Temporarily not receiving financial assistance under subsection (2) to pursue postsecondary education.

2. Subject to available funding, aftercare services as specified in subparagraph (b)8. are also available to a young adult who is between the ages of 18 and 22, is receiving financial assistance under subsection (2), is experiencing an emergency situation, and whose resources are insufficient to meet the emergency situation. Such assistance shall be in addition to any amount specified in paragraph (2)(b).

(b) Aftercare services include, but are not limited to, the following:

1. Mentoring and tutoring.
2. Mental health services and substance abuse counseling.
3. Life skills classes, including credit management and preventive health activities.
4. Parenting classes.
5. Job and career skills training.
6. Counselor consultations.
7. Temporary financial assistance for necessities, including, but not limited to, education supplies, transportation expenses, security deposits for rent and utilities, furnishings, household goods, and other basic living expenses.

8. Temporary financial assistance to address emergency situations, including, but not limited to, automobile repairs or large medical expenses.

9.8. Financial literacy skills training under pursuant to s. 39.6035(1)(c).

The specific services to be provided under this paragraph shall be determined by an assessment of the young adult and may be provided by the community-based care provider or through referrals in the community.

(c) Temporary assistance provided to prevent homelessness shall be provided as expeditiously as possible and within the limitations defined by the department.

(4) APPEALS PROCESS.—

(a) The department shall have a procedure by which a young adult may appeal the department’s refusal to provide Road-to-Independence Program services or support, or the termination of such services or support if funds for such services or support are available.

(b) The appeal procedure must be readily accessible to young adults, must provide for timely decisions, and must provide for an appeal to the department. The decision of the department constitutes final agency action and is reviewable by the court as provided in s. 120.68.

(5) DEPARTMENT RESPONSIBILITIES PORTABILITY.—

(a) The services provided under this section are portable across county lines and between community-based care lead agencies.

1.(a) The service needs that are identified in the original or updated transition plan under, pursuant to s. 39.6035 must, shall be provided by the

lead agency where the young adult is currently residing but shall be funded by the lead agency ~~that~~ who initiated the transition plan.

2.(b) The lead agency with primary case management responsibilities shall provide maintenance payments, case planning, including a written description of all services that will assist a child 16 years of age or older in preparing for the transition from care to independence, as well as regular case reviews that conform with all federal scheduling and content requirements, for all children in foster care who are placed or visiting out-of-state.

(b) Each community-based care lead agency shall at least annually attempt to contact each young adult who has aged out of foster care, who is potentially eligible for continuing care under s. 39.6251 or for the services available under this section, and who is not participating in any of these services. Through this contact, the lead agency shall communicate the continued availability of these programs and the services of the Office of Continuing Care established under s. 414.56. The lead agency shall also inquire into the young adult's needs and refer him or her to other programs that may be of assistance.

(c) Each community-based care lead agency must offer services for intensive independent living development for young adults who have aged out of foster care and have the greatest deficits in life skills.

(6) ACCOUNTABILITY.—The department shall develop outcome measures for the program and other performance measures in order to maintain oversight of the program. No later than January 31 of each year, the department shall prepare a report on the outcome measures and the department's oversight activities and submit the report to the President of the Senate, the Speaker of the House of Representatives, and the committees with jurisdiction over issues relating to children and families in the Senate and the House of Representatives. The report must include:

(a) An analysis of performance on the outcome measures developed under this section reported for each community-based care lead agency and compared with the performance of the department on the same measures.

(b) A description of the department's oversight of the program, including, by lead agency, any programmatic or fiscal deficiencies found, corrective actions required, and current status of compliance.

(c) Any rules adopted or proposed under this section since the last report. For the purposes of the first report, any rules adopted or proposed under this section must be included.

(7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The secretary shall establish the Independent Living Services Advisory Council for the purpose of reviewing and making recommendations concerning the implementation and operation of the provisions of s. 39.6251 and the Road-to-Independence Program. ~~The advisory council shall function as specified in~~



~~this subsection until the Legislature determines that the advisory council can no longer provide a valuable contribution to the department's efforts to achieve the goals of the services designed to enable a young adult to live independently.~~

(a) The advisory council shall assess the implementation and operation of the Road-to-Independence Program and advise the department on actions that would improve the ability of ~~the~~ these Road-to-Independence Program services to meet the established goals. The advisory council shall keep the department informed of problems being experienced with the services, barriers to the effective and efficient integration of services and support across systems, and successes that the system of services has achieved. The department shall consider, but is not required to implement, the recommendations of the advisory council.

~~(b)1. The advisory council shall report to the secretary on the status of the implementation of the Road-to-Independence Program, efforts to publicize the availability of the Road-to-Independence Program, the success of the services under the program, problems identified with the program, and recommendations for department or legislative action, and the department's implementation of the recommendations contained in the Independent Living Services Integration Workgroup Report submitted to the appropriate substantive committees of the Legislature by December 31, 2013.~~

2. The department shall submit a report by December 31 of each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives which includes a summary of the factors reported on by the council and identifies the recommendations of the advisory council and the department's response either describes the department's actions to implement the recommendations or provides the department's rationale for not implementing the recommendations. The report must also include the most recent data regarding the status of and outcomes for young adults who turned 18 years of age while in foster care, relating to education, employment, housing, financial, transportation, health and well-being, and connections, and an analysis of such data and outcomes.

(c) Members of the advisory council shall be appointed by the secretary of the department. The membership of the advisory council must include, at a minimum, young adults who receive services and funding through the Road-to-Independence Program, representatives from the headquarters and regional offices of the department of ~~Children and Families~~, community-based care lead agencies, the Department of Juvenile Justice, the Department of Economic Opportunity, the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, CareerSource Florida, Inc., the Statewide Guardian Ad Litem Office, foster parents, recipients of services and funding through the ~~Road-to-Independence Program~~, and advocates for children in care. The secretary shall determine the length of the term to be served by each member appointed to the advisory council, which may not exceed 4 years.

(d) The advisory council may consult with children currently in care and young adults who aged out of care regarding their needs, preferences, and concerns related to preparation for, transition to, and support during independent living.

~~(e)~~(d) The department shall provide administrative support to the ~~Independent Living Services~~ advisory council to accomplish its assigned tasks. The advisory council shall be afforded access to all appropriate data from the department, each community-based care lead agency, and other relevant agencies in order to accomplish the tasks set forth in this section. The data collected may not include any information that would identify a specific child or young adult.

~~(e) The advisory council report required under paragraph (b) must include an analysis of the system of independent living transition services for young adults who reach 18 years of age while in foster care before completing high school or its equivalent and recommendations for department or legislative action. The council shall assess and report on the most effective method of assisting these young adults to complete high school or its equivalent by examining the practices of other states.~~

(8) PERSONAL PROPERTY.—Property acquired on behalf of a young adult in this program shall become the personal property of the young adult and is not subject to the requirements of chapter 273 relating to state-owned tangible personal property. Such property continues to be subject to applicable federal laws.

(9) FINANCIAL ASSISTANCE FOR YOUNG ADULTS RECEIVING SERVICES.—Financial awards to young adults receiving services under subsections (2) and (3) and s. 39.6251 may be disregarded for purposes of determining the eligibility for, or the amount of, any other federal or federally supported assistance for which the department is required to determine eligibility for the program.

(10) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN CARE.—The department or community-based care lead agency shall document that eligible young adults are enrolled in Medicaid under s. 409.903(4).

(11) RULEMAKING.—The department shall adopt rules to administer this section.

Section 17. Section 409.14515, Florida Statutes, is created to read:

409.14515 Independent living preparation.—The department shall assist children who are in foster care in making the transition to independent living and self-sufficiency as adults. To support opportunities for participation in age-appropriate life skills activities, the department shall:

(1) Identify important life skills that children in out-of-home care should acquire.

(2) Develop a list of age-appropriate activities and responsibilities useful for the development of specific life skills for use by children and their caregivers. The age-appropriate activities must address specific topics tailored to the needs of each child's developmental stage. For older youth, the list of age-appropriate activities must include, but is not limited to, informing the youth of available independent living services and community resources and how to apply for such services.

(3) Design and disseminate training for caregivers related to building needed life skills. The training must include components that address the challenges of children in foster care in transitioning to adulthood and information on programs for children who are aging out of care under ss. 414.56 and 409.1451, high school completion, applications for financial assistance for higher education, vocational school opportunities, supporting education, and employment opportunities.

(4) Beginning after the child's 13th birthday, regularly assess the degree of life skills acquisition by each child. The department shall share the results of the assessments with the caregiver and support the caregiver in creating, implementing, monitoring, and revising plans as necessary to address the child's life skills deficits, if any.

(5) Provide opportunities for children in foster care to interact with qualified, trained mentors who are committed to engaging reliably with the child long-term.

(6) Develop and implement procedures for children of sufficient age and understanding to directly access and manage the personal allowance they receive from the department.

Section 18. Subsection (4) of section 409.1454, Florida Statutes, is amended to read:

409.1454 Motor vehicle insurance and driver licenses for children in care.—

(4) Payment shall be made to eligible recipients in the order of eligibility until available funds are exhausted. If a child determined to be eligible reaches permanency status or turns 18 years of age, the program may pay for that child to complete a driver education program and obtain a driver license for up to 6 months after the date the child reaches permanency status or 6 months after the date the child turns 18 years of age. A child continuing in care under s. 39.6251, or who was in licensed care when the child reached 18 years of age and is currently receiving postsecondary education services and support under s. 409.1451(2), may be eligible to have the costs of licensure and costs incidental to licensure paid if the child demonstrates that such costs are creating barriers for obtaining employment or completing educational goals.

Section 19. Paragraph (a) of subsection (1) of section 409.988, Florida Statutes, is amended to read:

409.988 Community-based care lead agency duties; general provisions.

(1) DUTIES.—A lead agency:

(a)1. Shall serve:

a. All children referred as a result of a report of abuse, neglect, or abandonment to the department's central abuse hotline, including, but not limited to, children who are the subject of verified reports and children who are not the subject of verified reports but who are at moderate to extremely high risk of abuse, neglect, or abandonment, as determined using the department's risk assessment instrument, regardless of the level of funding allocated to the lead agency by the state if all related funding is transferred.

b. Children who were adopted from the child welfare system and whose families require post-adoption supports.

2. ~~The lead agency~~ May also serve children who have not been the subject of reports of abuse, neglect, or abandonment, but who are at risk of abuse, neglect, or abandonment, to prevent their entry into the child protection and child welfare system.

Section 20. Section 414.56, Florida Statutes, is created to read:

414.56 Office of Continuing Care.—The department shall establish an Office of Continuing Care to ensure young adults who age out of the foster care system between 18 and 21 years of age, or 22 years of age with a documented disability, have a point of contact until the young adult reaches the age of 26 in order to receive ongoing support and care coordination needed to achieve self-sufficiency. Duties of the office include, but are not limited to:

(1) Informing young adults who age out of the foster care system of the purpose of the office, the types of support the office provides, and how to contact the office.

(2) Serving as a direct contact to the young adult in order to provide information on how to access services to support the young adult's self-sufficiency, including, but not limited to, food assistance, behavioral health services, housing, Medicaid, and educational services.

(3) Assisting in accessing services and supports for the young adult to attain self-sufficiency, including, but not limited to, completing documentation required to apply for services.

(4) Collaborating with community-based care lead agencies to identify local resources that can provide support to young adults served by the office and to assist young adults in accessing these supports.

Section 21. The Florida Institute for Child Welfare established under s. 1004.615, Florida Statutes, shall:

(1)(a) Evaluate the effectiveness of the state's efforts to assist youth in foster care in developing life skills to become self-sufficient adults. The Florida Institute for Child Welfare shall consult with the Institute for Food and Agricultural Services Extension Program at the University of Florida in conducting its evaluation.

(b) The evaluation shall, at a minimum:

1. Describe current requirements for caregivers to assist youth in acquiring life skills, the information and available supports provided to caregivers for doing so, and the actual level of engagement in these efforts by caregivers.

2. Specify methods and measures used to determine if youth have acquired or developed adequate life skills and how that information is used to support life skills development for individual youth.

3. Describe outcomes on a statewide basis, as well as by individual community-based care lead agency, and describe how this information is currently being used to improve performance.

4. Identify best practices for helping youth in foster care develop life skills and compare the state's current approach to the best practices.

5. Specify any barriers that may prevent youth from becoming self-sufficient.

6. Evaluate whether the state's current approach to helping youth in foster care develop life skills is adequate, and recommend any changes to enhance the effectiveness of the state's approach to prepare youth for self-sufficiency. Any recommendations must prioritize maintaining the state's current approach of primarily relying on caregivers to assist youth in developing life skills, and recommend that such efforts be part of everyday life experiences to the extent possible. However, such recommendations may also include additional options for achieving the goal of effectively preparing youth for self-sufficiency.

7. Include the input of youth who are currently in foster care and youth who were previously in foster care. The Florida Institute for Child Welfare shall attempt to interview youth who are currently in foster care and youth who were previously in foster care on their experiences with the state's approach to preparing them for adulthood, whether the life skills provided were age appropriate or helpful, and what recommendations they have to improve the state's approach in preparing youth in foster care for adulthood.

(c) The Florida Institute for Child Welfare shall submit its evaluation by November 1, 2022, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(2)(a) Analyze permanency outcomes in the state. The analysis shall include, at a minimum, all of the following:

1. The frequency of permanency outcomes, both long-term and within 2 years of entering foster care, and the differences observed when data are disaggregated by the child's age at entry into foster care.

2. The length of time before parental rights are terminated, disaggregated by the child's age at entry into foster care.

3. The frequency of permanency outcomes for children whose parents have had their parental rights terminated, the length of time before permanency is achieved, and the differences in the type of permanency and length of time it took to achieve permanency, disaggregated by age of the child when parental rights were terminated.

4. The patterns, indicated by the analysis, regarding the length of time it took to achieve permanency, the types of permanency outcomes experienced by children entering foster care at different ages, and how the types of permanency vary based on the status of the rights of the parents of the children.

(b) The Florida Institute for Child Welfare shall submit its report by October 1, 2022, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 22. This act shall take effect October 1, 2021.

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.