

## BILLS THAT PASSED 2015 LEGISLATIVE SESSION

### BILLS THAT IMPACT CHILD WELFARE:

#### **CS/CS/HB 437 by Rep Adkins (CS/CS/CS/SB 496 by Senator Detert) – Guardians for Dependent Children who are Developmentally Disabled or Incapacitated – Known as: The Regis Little Act to Protect Children with Special Needs (Chapter 2015-112, Laws of Florida)**

The bill formalizes the process of appointing a guardian or guardian advocate for a young adult determined by the court to meet the requirements of Chapter 744, F.S., for appointment of a guardian or s. 393.12, F.S., for appointment of guardian advocate. At the permanency review hearing, the bill requires the court to review whether the restoration of guardianship proceedings is needed when the child reaches age 22.

At the judicial review that must be held within 90 days after the child turns 17 years of age:

- For any child that may meet the requirements for appointment of a guardian pursuant to Chapter 744, F.S., of a guardian advocate pursuant to s. 393.12, F.S., the updated case plan must be developed in a face-to-face conference with the youth, if appropriate, along with the child's attorney; any court-appointed GAL; the temporary custodian of the child.
- The court shall review the necessity of continuing the guardianship and whether restoration of the guardianship proceedings is needed when the young adult reaches 22 years of age.

If the court determines that the child meets the requirements of Chapter 744, F.S., or s. 393.12, F.S., the bill requires the Department to:

- Include in the child's updated case plan a multidisciplinary report that includes, but is not limited to, a psychosocial evaluation and educational report if one has not been completed within the previous 2 years;
- Identify one or more individuals as a guardian advocate, plenary or limited guardian and allows any other parties or participants to make efforts to identify such guardian or advocate. 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 interest.

Further the bill:

- Allows proceedings to be initiated within 180 days after the child turns 17 years of age for the appointment of a guardian advocate, plenary guardian, or limited guardian;
- Encourages the use of pro bono representation to initiate proceedings;
- Requires the Department to share information with parties that are interested in the guardianship process for the young adult within 45 days after the first judicial review hearing after the child turns 17 years of age;
- Gives parents of minor children who are the subject of Chapter 39, the ability to act as natural guardians if their rights have not been terminated unless the court finds that it is not in the child's best interests.
- Provides eligible minors due process rights as would be given to adults with alleged developmental disabilities;

- Requires any proceedings seeking appointment of a guardian advocate or a determination of incapacity and the appointment of a guardian be addressed in a separate proceeding in the court with proper jurisdiction over probate matters; and
- Requires Probate court to initiate proceedings for appointment of a guardian advocate if the petition filed for appointment is filed for a child who is subject to Chapter 39 proceedings when the child has attained 17 years and 6 months or older.

Effective July 1, 2015

**CS/HB 7013 by Rep Brodeur (CS/SB 320 by Senator Gaetz) – Adoption and Foster Care (Chapter 2015-130, Laws of Florida)**

Addresses ways to strengthen and increase Adoptions.

- Creates new requirements for agreements between the Department and district school boards and other local educational entities that require the Department to ensure children are enrolled in school or in the best educational setting that meets the needs of the child with minimal disruption of education.
- Requires that the agreements prohibit the Department from showing prejudice against out-of-home caregivers who desire to home school any children placed in their home through the child welfare system.
- Prohibits the Department and Community-Based Care Lead Agencies (CBCs) from showing that same prejudice against home schooling by out-of-home caregivers and persons who desire to adopt a child.
- Strikes language that was found unconstitutional by the appellate court that states a person who is a homosexual may not adopt a child.
- Requires the caregiver of a child in foster care to support the child’s educational success by participating in activities and meetings associated with the child’s school or other educational setting and meetings with an educational surrogate if one has been appointed. Further requires the caregiver to abide by certain priorities for maintaining educational stability for the child to work with the case manager, guardian ad litem, teachers, and guidance counselors, and educational surrogate to determine best educational setting for the child.
- Requires CBCs, one year after a child’s adoption is finalized, to contact the family by phone and offer post-adoption services and requires the CBC to document the contacts and provide the following information to the Department annually:
  - ✓ Number of attempts made to contact the family and whether those attempts were successful;
  - ✓ Types of postadoption services that were requested by the family and whether those services were provided by the CBC;
  - ✓ Any feedback received by the CBC from the adoptive family relating to the quality or effectiveness of the services provided; and
  - ✓ The outcomes achieved and recommendations for improvement.
- Requires the Department to establish an adoption incentive program for CBCs and their subcontractors to award incentive payments for achievement of specific and measureable adoption performance standards that lead to permanency, stability, and well-being for children and to:
  - ✓ Conduct a comprehensive baseline assessment of lead agencies and providers' performance in eight areas listed in the bill;
  - ✓ Compile annual data for the most recent 5 years of available data;

- ✓ Allocate incentive payments based on performance improvement; and
- ✓ Report annually on November 15 to the Governor, Senate President, and Speaker of the House.
- Recreates an adoption benefits program for qualifying adoptive employees of state agencies effective July 1, 2015 and provides certain amounts payable to a qualifying adoptive employee who adopts specified children under certain circumstances subject to a specific appropriation to the Department;
- Authorizes an annual adoption achievement awards program. Requires the Department to define the program achievement categories and develop the process to seek nominations for potential recipients. Establishes a direct-support organization within the Office of Adoption and Child Protection; and
- Requires licensed child-placing agencies that provide adoption services for intercountry adoptions to meet federal regulations.

Effective July 1, 2015

**CS/SB 7078 by Senate Children, Families and Elder Affairs Committee (Companion bill CS/HB 7121 by Rep Harrell) – Child Welfare (Chapter 2015-79, Laws of Florida)**

Addresses issues related to the implementation of SB 1666 passed during the 2014 Session

- Expands the Secretary’s authority to direct an immediate onsite investigation by the Critical Incident Rapid Response Team (CIRRT) for cases involving the death or serious injury of a child during an open child abuse protective investigation.
- Requires the CIRRT advisory committee to meet at least once quarterly and to submit quarterly reports to the Secretary. The Secretary will submit each report to the Governor, the Speaker of the House and the President of the Senate.
- Limits the number of mandatory staffings of reports alleging medical neglect to those reports that have been substantiated by the Child Protection Team.
- Eliminates the requirement for children’s services district in Hillsborough and Pinellas Counties from holding voter approval in the 2016 general election.
- Clarifies the functions of the Child Abuse Death Review state and local committees.
  - ✓ State committee is to provide direction and leadership to analyze data and recommendations for local review committees to identify issues and trends and to recommend statewide action. The bill also adds a substance abuse treatment professional to the state committee and limits the number of appointments a member may serve to no more than three consecutive terms.
  - ✓ Local committees are to conduct individual case reviews of deaths, generate information, make recommendations, and implement improvements at the local level. The bill also clarifies that the Directors of county health departments appoint members to the local committees and specifies membership.
  - ✓ Requires to the extent possible, individuals who dealt with a child whose death is verified as caused by abuse or neglect, attend any meetings where the child’s case is reviewed.
  - ✓ Requires the State committee to complete an annual statistical report by December 1 of each year which includes data, trends, analysis, findings and recommendations for state

and local action regarding deaths from child abuse and data must be presented in the context of a multiyear trend.

- Aligns outdated terminology with current practice. District administrator is changed to regional managing director. District is changed to region/regional. Florida Abuse Hotline Information System (FAHIS) is changed to Florida Safe Families Network.
- Amends s. 402.301, F.S., regarding all personnel of membership organizations affiliated with national organizations which do not provide child care to meet Level 2 background screening requirements.
- Amends s. 402.302(3), F.S., regarding the definition of child care personnel to include “membership organizations” for the purpose of background screening requirements.
- Amends s. 409.977(5), F. S. allowing automatic enrollment into a Medicaid managed care "specialty plan" for children in the care and custody of the Department who remain in care including extended foster care and subsidized adoption.
- Implements recommendations of the Florida Institute for Child Welfare by clarifying Legislative intent to prioritize evidence-based and trauma-informed services.
- Strengthens language around the services to be provided to dependent children to include services that are supported by research or that are recognized as best practices in the child welfare field and requires the CBCs to give priority to the use of services that are evidenced based and trauma-informed.
- Amends s. 435.02, F.S., adding local licensing agencies approved pursuant to s. 402.307, F.S., to have access to the Clearinghouse.
- Requires district school boards, charter schools, and private schools that accept scholarship students to hang poster size notices in English and Spanish that provide the abuse hotline number and directions for accessing the Department’s internet website along with instructions to call 911 for emergencies.

Effective July 1, 2015

#### OTHER RELATED BILLS:

**CS/CS/HB 21 by Reps Hager and Harrell; (Companion bill CS/CS/SB 326 by Senator Clemens) – Substance Abuse Services (Chapter 2015-100, Laws of Florida)**

Requires the Department to create voluntary certification program for recovery residences and requires background screening of recovery residence employees.

Effective July 1, 2015

**CS/CS/HB 149 by Rep Rouson; (Companion bill CS/SB 368 by Senator Abruzzo) – Rights of Grandparents and Great Grandparents (Chapter 2015-134, Laws of Florida)**

The bill authorizes a grandparent of a minor child whose parents are deceased, missing, or in a permanent vegetative state to petition the court for visitation with a grandchild. If only one parent is deceased, missing, or in a persistent vegetative state, before a grandparent may petition for visitation, the other parent must have been convicted of a felony or violent offense showing a substantial threat of harm to the child.

If a minor child is adopted by a stepparent or close relative, the adoptive parent may petition the court to terminate an order granting grandparent visitation existing before the adoption.

Effective July 1, 2015

**HB 469 by Rep Spano (Companion bill CS/SB 1110 by Senator Flores) – Public Records/Residential Facilities Serving Victims of Sexual Exploitation & Human Trafficking (Chapter 2015-147, Laws of Florida)**

This bill creates a public records exemption for the location information of a safe house, safe foster home, or other residential facility serving child victims of sexual exploitation. It also creates an exemption for the location information of a residential facility offering services for adult victims of human trafficking involving commercial sexual activity.

The exempted location information can be disclosed to an agency as necessary to maintain health and safety standards or to address emergency situations in the safe house or residential facility. The exemptions do not apply to facilities licensed by the Agency for Health Care Administration.

The exemptions apply to information held by an agency before, on, or after the effective date of the exemption.

Effective October 1, 2015

**CS/CS/HB 1055 by Rep Harrell (Companion bill CS/CS/SB 760 by Senators Bradley and Sobel) – Child Protection (Chapter 2015-177, Laws of Florida)**

The bill provides that a critical incident rapid response team (CIRRT) must include a child protection team medical director.

Effective July 1, 2015

**SB 7032 by Health Policy Committee (Companion bill HB 7129 by Reps Fant and Artilles – Public Records/Reports of a Deceased Child (Chapter 2015-77, Laws of Florida)**

The bill reenacts and amends the public records and public meetings exemptions for certain identifying information held by the State Child Abuse Death Review Committee or a local child abuse death review committee and for portions of meetings of such committees where such information is discussed.

The changes to the exemptions reflect changes to the child welfare laws enacted during the 2014 Session. Specifically, the bill:

- Extends the exemption to cases reviewed by a committee where the death was determined not to be the result of abuse or neglect;
- Limits the exemption for cases involving verified abuse or neglect to only exempt the information of surviving siblings;
- Authorizes release of confidential information to a governmental agency in furtherance of its duties or a person or entity for research or statistical purposes;
- Allows the State Child Abuse Death Review Committee or a local committee to share confidential and/or exempt information with each other, governmental agencies, or any person or entity authorized by the DOH to use such relevant information for bona fide research or statistical purposes.

Effective upon becoming law