



2007 Legislative Changes Impacting Child Welfare

This powerpoint covers the following Laws of Florida:

- Independent Living – Laws of Florida 2007-147
(formerly known as SB 2114)
- Supervised Visitation – Laws of Florida 2007-109
(formerly known as HB 77)
- Adoption – Laws of Florida 2007-124 and 2007-119
(formerly known as HB 1309 and 803)

What independent living and related statutes are impacted by the bill?

The bill substantially amends, creates, or repeals the following sections of the Florida Statutes: ss.409.1451, F.S. (Independent living transition services), 322.09, F.S. (Driver's licenses; application of minors), 409.903, F.S. (Medicaid), and 743.044, F.S. (Removal of disabilities of minors; executing agreements for depository financial services)

Chapter 409.1451 Revisions to Independent Living

This bill creates several revisions to Chapter 409.1451 including:

- expanding the eligible population;
- exempting foster parents or caregivers from responsibility for the actions of children engaged in activities of a written plan; and
- requiring formal evaluation for SIL for eligible youth

Eligibility Population Expanding

This bill expands the population eligible for the RTI Program to include:

- A young adult who has reached 18 years of age and...after reaching the age of 16 was adopted from foster care or placed with a court-approved dependency guardian and has spent a minimum of 6 months in foster care immediately preceding such placement or adoption;
- This population includes all 18, 19 and 20 year olds as of July 1st, 2007 who meet eligibility criteria and apply for an initial award.

Guardianship

**Must meet the criteria in s. 39.6221, F.S.,
“Permanent guardianship of a dependent child.”**

- **In the placement for not less than the preceding 6 months.**
- **Home is suitable**
- **No longer in need of supervision**
- **Commitment from the guardian**
- **Guardian agrees to notice the court in case of residence change by guardian or child.**

What about additional funds!

- **For the purpose of implementing this act during the 2007-2008 fiscal year:**
 - (1) The sum of \$420,358 is appropriated from the General Revenue Fund to the Department of Children and Family Services.**
- **This act shall take effect July 1, 2006**

Plans for Age-Appropriate Activities

- Foster parents who have developed a written plan for age appropriate activities with a child in foster care and his or her caseworker;
- Shall not be held responsible under administrative rules or laws pertaining to state licensure; or
- Have their licensure status jeopardized as a result of the actions of a child engaged in the approved age-appropriate activities specified in the written plan.

Formal Evaluation for SIL

- The bill requires that each youth age 16 and older in licensed foster care be formally evaluated for SIL;
- (Suggestion) Complete during the semiannual independent living staffing;
- If it is a goal of the youth, a plan to accomplish this goal should be developed and reviewed regularly.

Expanded Medicaid

- Medicaid eligibility is available to young adults who are eligible to receive services under s. 409.1451(5), until the young adult reaches 21 years of age, without regard to any income, resource, or categorical eligibility test that is otherwise required.
- Now includes young adults who, after reaching the age of 16 were adopted from foster care or placed with a court-approved dependency guardian and spent a minimum of 6 months in foster care immediately preceding such placement or adoption.

DISCUSSION

Removal of Disabilities of Minors

- For the purpose of ensuring that a youth in foster care will be able to secure depository financial services, such as checking and savings accounts, the disability of nonage of minors shall be removed provided that the youth;
 - has reached 16 years of age,
 - has been adjudicated dependent, and
 - is residing in an out-of-home placement 21 as defined in s. [39.01](#), and
 - has completed a financial literacy class.
- These youth are authorized to make and execute all documents, contracts, or agreements necessary for obtaining the rights, privileges, and benefits of depository financial services as if the youth is otherwise competent to make and execute contracts.

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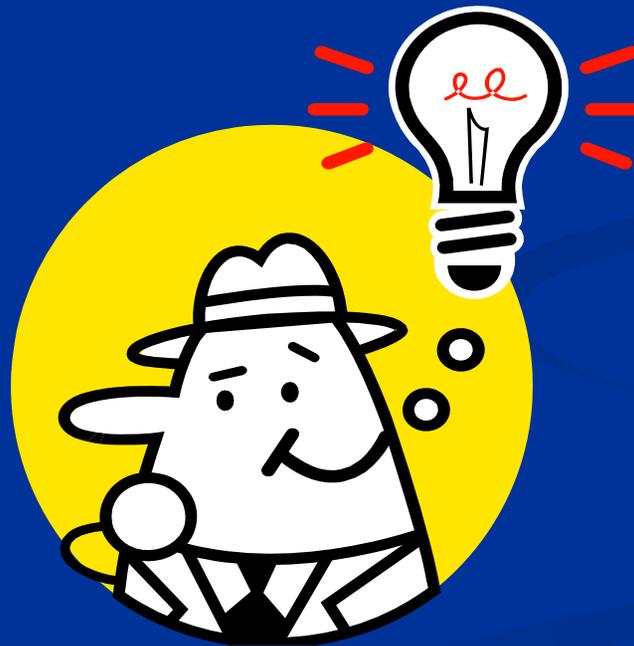


The “Keeping Children Safe Act”

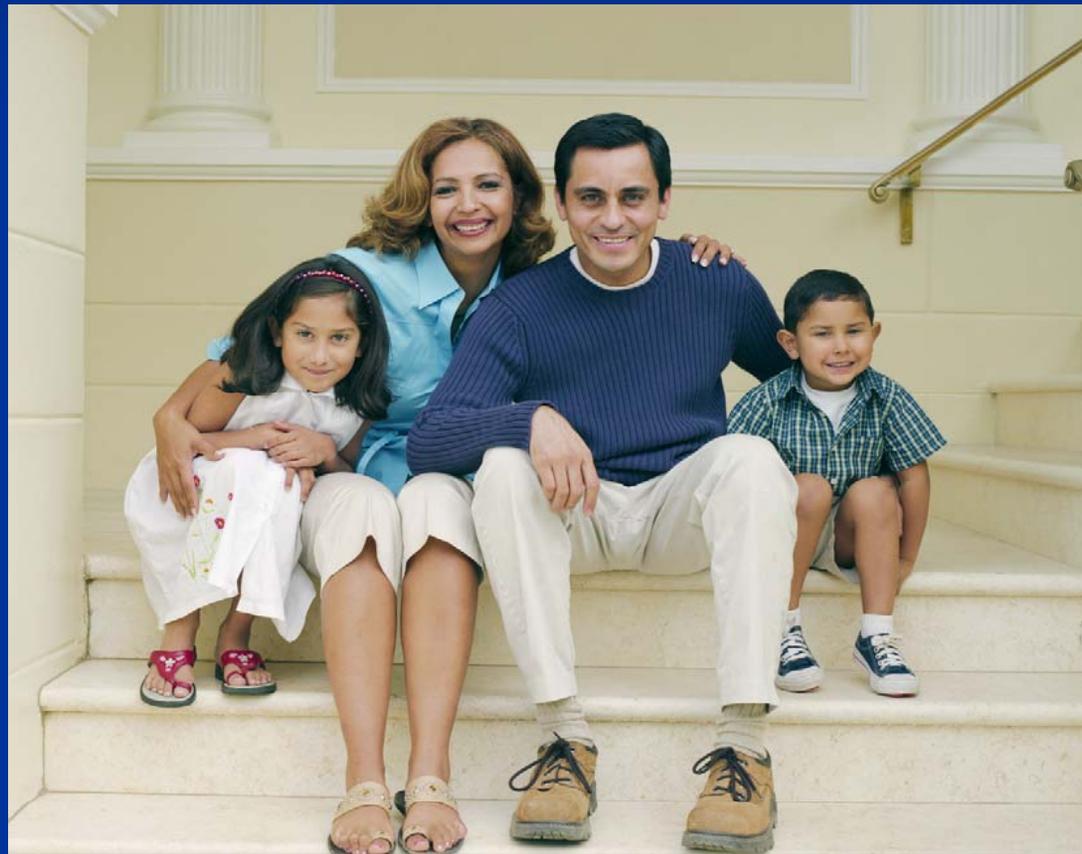
(House Bill 77)



**What every CPI, Caseworker,
Supervisor, and Child Welfare Trainer
needs to know!**



This law involves parent-child visitation, and is designed to help keep children safe during visits.



The focus of this law



- Is upon children who have been sexually abused or exploited.
- The intention is to help keep them safe during visits or other contact with their parents.

“Presumption of Detriment”

There is now a rebuttable
“*presumption of detriment*” created
when
a parent or a caregiver...

When a parent or caregiver...

- Has been the subject of a Hotline report alleging sexual abuse of any child;



Or...

Has been found guilty of, or has plead guilty
(or no contest) to any of the following:

- Removing minors from the state or concealing minors contrary to court order;
- Sexual battery;
- Lewd and lascivious behavior;
- Lewdness and indecent exposure;
- Incest; *Or*

Has been determined by a court to be a sexual predator

Something to Remember...

This “presumption of detriment” is not a “slam dunk,” in that it doesn’t automatically mean that a parent or caregiver who meets the above criteria cannot ever visit or have contact with the child.

It’s just that there are now guidelines for visitation and contact when these circumstances exist.



A parent/caregiver who meets any of the above criteria...

May visit or have other contact with a child only
after a hearing and an order by the court that
allows the visitation or contact.

At this hearing, the court must appoint an
Attorney Ad Litem or a GAL (if one has not
already been appointed), who has special
training in the dynamics of child sexual abuse.

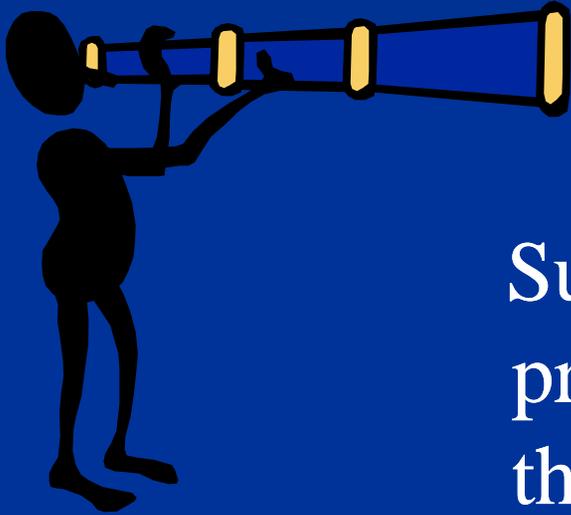
At the hearing, if the court finds...

That the parent did not rebut the “presumption of detriment,” and that the safety, well-being, physical, mental and emotional health of the child may be endangered by visitation or other contact with the parent, the court will issue an order restricting such parental visitation/contact with the child.

However, if the court finds...

By clear and convincing evidence that the safety, well-being, physical, mental and emotional health of the child is not endangered by parental visitation or other contact, the court may allow it, and will issue an order specifying any conditions it finds necessary to protect the child.

In this case, any visitation or other contact allowed and ordered by the court MUST BE:



Supervised by a person who has previously received special training in the dynamics of child sexual abuse,

OR

OR...

- Conducted in a supervised visitation program, provided that the program has an agreement with the court, and has agreed to comply with the minimum standard guidelines specifically related to referrals of cases involving child sexual abuse.



Be Aware That...



If anyone hears from the child
(or gains other firsthand knowledge)
that a person is trying to influence
the child's testimony,
the court will immediately suspend visitation or
other contact, and will subsequently
hold a hearing to review the issue.



And...

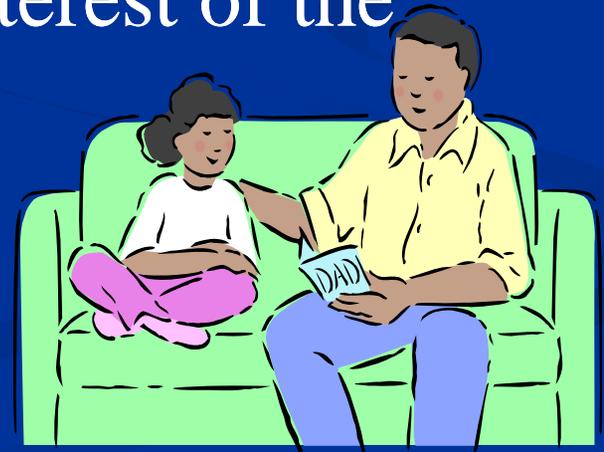
If the child is in therapy as a result of the allegations (or convictions on earlier slide) and the child's therapist reports that the visitation or other contact is impeding the child's therapeutic progress, the court shall convene a hearing within 7 business days to review the terms, conditions, or appropriateness of continuing the visitation or other contact.



Visitation Rights



At any shelter hearing and at any arraignment (if the child is in an out-of-home placement), the court shall determine visitation rights absent a clear and convincing showing that visitation is not in the best interest of the child.





Grandparent Visitation

In determining whether grandparental visitation is not in the child's best interest, consideration may be given to:

The finding of guilt, or plea of guilty (or no contest) to any of the following:

- Removing minors from the state or concealing minors contrary to court order;
- Sexual battery;
- Lewd and lascivious behavior;
- Lewdness and indecent exposure;
- Incest;

OR...

- Determination by a court to be a sexual predator;
or,
- A report of abuse, abandonment or neglect, and the outcome of the investigation concerning such report.



*Questions about this legislation
may be directed to:*

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(Additional information for Management Staff follows)

The “Keeping Children Safe” Act

What Program Administrators, Directors and CEOs Need to Know...

- All of the previous information, plus...

In those cases where the listed sexually abusive circumstances possibly exist, and visitation has been allowed and ordered by the court, the visitation must be:

- Supervised by a person who has previously received special training in the dynamics of child sexual abuse, or

Conducted in a supervised visitation program, provided that the program has an agreement with the court, and has agreed to comply with the minimum standard guidelines specifically related to referrals of cases involving child sexual abuse.

Current Legislation

Refers to The “**Clearinghouse on Supervised Visitation,**” the entity within the Institute for Family Violence Studies in the School of Social Work of the Florida State University, which serves as a statewide resource on supervised visitation issues by providing technical assistance, training and research.

“The Clearinghouse”

- Has responsibility for developing standards for supervised visitation programs in order to ensure the safety and quality of each program;
- Will convene an advisory board to assist in developing the standards.

Supervised Visitation Program Standards

Must be uniform for all the programs and must address the purposes, policies, standards of practice, program content, security measures, qualifications of providers, training standards, credentials and background screening requirements of staff, information to be provided to the court, and data collection for supervised visitation programs;

Supervised Visitation Program Standards (cont'd)

In consultation with the advisory board, the Clearinghouse will develop criteria and procedures for approving and rejecting certification applications for, and monitoring compliance with, the certification of a supervised visitation program.

Uniform Standards

The Clearinghouse will submit a preliminary report containing its recommendations for the uniform standards by December 31, 2007, and a final report of all recommendations, including those related to the certification and monitoring developed to date, by December 31, 2008.

IMPORTANT!!

Until the standards for **supervised visitation** and **supervised exchange programs** (the supervision of a child's movement between custodial and non-custodial parent at the beginning and end of a supervised visit) are developed and a certification and monitoring process is fully implemented, the following applies:

Agreement with the Court (Minimum Standards)

- Each supervised visitation program shall enter into an agreement with the circuit court or circuit courts within the geographic jurisdiction of the program attesting to the willingness of the program to comply with the *Minimum Standards for Supervised Visitation Programs Agreement* adopted by the Florida Supreme Court on November 18, 1999;

Note that...

A supervised visitation program may not receive grant funds for access and visitation under 42 U.S.C. s. 669b, unless the program provides documentation to the state agency administering the grant verifying that the program has entered into an agreement with the circuit court as required.

This does not obligate the state agency administering the grant to certify a program's compliance with the Minimum Standards for Supervised Visitation Programs Agreement.

Any Supervised Visitation Program...

- That wishes to accept referrals involving child sexual abuse, must have an agreement with the court and a current affidavit of compliance on file with the chief judge of the circuit in which the program is located, affirming that the program has agreed to comply with the Minimum Standards, and has a written agreement with the court and with the Department that contains policies and guidelines specifically related to child sexual abuse.

The written agreement with the court must include provisions for the following:

- Program staff who supervise visits or other contact must have specific training in child sexual abuse provided through the Clearinghouse, and documented in personnel files;
- The program must have protocols for obtaining background material on the family prior to the initiation of services;
- The program must accept only those child sexual abuse referrals for which staff have the required background material, training and security in place to safely monitor contact;

Written Agreement (cont'd)

- The program must decline referrals of child sexual abuse cases when staff lack necessary training or education, when background material has not been received, or when lack of security may allow re-victimization of the child;
- The program must suspend visits in cases when the child appears to be traumatized by the visits or when the individual visiting or having other contact engages in inappropriate behavior or violates program rules.

For further information:

- The Florida Supreme Court document “Minimum Standards for Supervised Visitation Program Agreements” may be viewed in its entirety at:
- http://familyvio.csw.fsu.edu/IJ/judges-manual/appendix/app_a.pdf



*Questions about this legislation
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2007 Legislative Changes
Related to Adoption Program

Creation of “Office of Adoption and Child Protection” within Executive Office of Governor (HB1309)

Establish and submit comprehensive statewide plan to Legislature and Governor by December 31, 2008

Goals of Statewide Plan:

- Promote adoption of children
- Provide support to adoptive families
- Prevent child abuse, neglect and abandonment

Methods to Achieve Goals

Development of comprehensive statewide plan:

1. Establish Statewide Advisory Council composed of adoptive parent and representatives from state agencies and local agencies and organizations
2. Include local “plans of action”
 - Analysis of local needs, identified problems and recommendations for improvement

Changes to Maintenance Adoption Subsidies

- No renewals of initial subsidy agreements
- Changes to subsidies cannot occur without concurrence of adoptive parents
- Except when current caregiver adopts, reasonable efforts to place without subsidy must be documented
- Basic maintenance adoption subsidies shall be negotiated at 80% of statewide standard foster care board rates of 7/1/2006 or up to \$5000 annually
- Children adopted privately may be eligible for subsidy

Changes to State Employee Adoption Benefit Program (HB803)

**Administration of State
Employee Adoption Benefit
Program is transferred to the
Office of Family Safety
beginning July 1, 2007**

Who Qualifies for Adoption Benefit Program?

- Continues to include full-time or part-time employees of state agency, including state university system and Water Management Districts, who are paid from regular salary, NOT temporary employee
- New qualified employees are:
 1. Employees with Community College system
 2. Employees of school districts
 3. Instructional personnel employed by Florida School for the Deaf and Blind

What is Criteria?

- Permanent custody of the child must have been awarded to the Department or a licensed child-placing agency
- Adoptive parent must have proof of full-time or part-time status with one of the state agencies, university or community college system or school district units
- Adoptive parent must have proof of child being special needs or non-special needs
- Adoptive parent must have final order of adoption

What is Benefit?

- A lump sum payment of \$10,000 for qualifying child who is determined to meet the definition of special needs.
- A lump sum payment of \$5,000 for qualifying child who is determined to meet the definition of non-special needs

What is definition of “Special Needs”

A child whose permanent custody was awarded to the department or licensed child-placing agency and meets one or more of the following criteria:

1. has established significant emotional ties with his or her foster parents
2. is eight years of age or older
3. is developmentally disabled
4. is physically or emotionally handicapped
5. is of black or mixed parentage
6. is a member of sibling group, provided two or more members remain together for adoption

How does an employee apply?

The Department of Children and Families will have an online application and instructions via our web site by the July 30, 2007.

Until the web site is available, questions may be directed to kathleen_waters@dcf.state.fl.us