



State of Florida
Department of Children and Families

Rick Scott
Governor

Mike Carroll
Interim Secretary

DATE: July 11, 2014

TO: Regional Managing Directors, CLS Statewide Director,
Community-Based Care Lead Agency CEOs

FROM: Pete Digre, Deputy Secretary
Janice Thomas, Assistant Secretary for Child Welfare

SUBJECT: 2014 Legislative Changes Updates for Laws of Florida: Chapters 2014-224, 2014-227, 2014-166, 2014-160, 2014-160

INFORMATIONAL MEMO

PURPOSE: On July 1, 2014, several important legislative changes from the 2014 Legislative session came into effect. This memorandum is for information purposes only, and is not a policy memo. The attached newsletters outline the changes that may impact your employees and agencies.

BACKGROUND: Legislators enacted many changes into law across all areas of Child Welfare, Domestic Violence, Human Trafficking, and Children's Legal Services to improve the services we offer to children and families in need. The Office of Child Welfare has provided many opportunities to learn about the changes so that you and your staff can be fully informed and ready to implement the new and amended child welfare provisions in Florida Statutes.

NEWSLETTERS: The Office of Child Welfare has built two newsletters to outline many of the new changes and how they may impact you. Please find two newsletters attached to this memo.

WEBINARS: A series of webinars have also been conducted that outline all the changes. These webinars, along with the Frequently Asked Questions and presentations, can be found on the Center for Child Welfare at:
<http://centerforchildwelfare.fmhi.usf.edu/HorizontalTab/VideoTrainingTopic.shtml>
under the Child Welfare Legislation 2014/2015 Implementation topic.

LAWS OF FLORIDA: The full Laws of Florida may also be accessed via the following link: <http://laws.flrules.org/2014>.

1. Chapter 2014-224 - Child Welfare (SB 1666)

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

2. Chapter 2014-227 - Attorneys for Dependent Children with Special Needs (HB 651)
3. Chapter 2014-166 - Keys to Independence (HB 977)
4. Chapter 2014-160 - Human Trafficking (victim confidentiality) (HB 989)
5. Chapter 2014-161- Human Trafficking (comprehensive) (HB 7141)

ACTION REQUIRED: Please disseminate this memorandum and the attachments to all child welfare staff, Community-Based Care Agencies, Children's Legal Services, and Sheriff's offices conducting child protective investigations.

CONTACT INFORMATION: Please contact JoShonda Guerrier, Implementation Lead, for legislative updates related the 2014 legislative session. JoShonda may be reached at (850) 717-4382 or Joshonda_Guerrier@dcf.state.fl.us.

Attachments

cc: Traci Leavine, Director of Child Welfare Practice
Kellie Sweat Darnell, Director of Child Welfare Operations
Regional Family and Community Services Directors
James Cheatham, Hotline Director
Sheriff's Offices
Guardian ad Litem
Office of General Counsel
Center for Child Welfare, University of South Florida



New DCF Child Fatality website

The DCF Child Fatality Prevention website <http://www.dcf.state.fl.us/childfatality/> was created to raise public awareness about child fatalities throughout the state and assist communities with identifying where additional resources or efforts are needed to assist struggling families. With this information readily available to the public, we hope communities will join DCF to work together to meet the needs of their neighbors and protect vulnerable children. Additionally, DCF and our community partners will use this data to improve child welfare practice to better protect children and assist at-risk families. This website includes information regarding all child fatalities called into the Florida Abuse Hotline alleged to be a result of abuse or neglect. The definitions for abuse, abandonment and neglect can be found in [Ch. 39, Florida Statutes](#).

Highlights of Senate Bill 1666

On June 23, 2014 Governor Rick Scott signed bipartisan legislation which strengthens current child welfare laws and increases resources to protect children from abuse and neglect. Here are some highlights of the bill:

- Creates a new Assistant Secretary for Child Welfare
- Creates new and amended definitions within Chapter 39
- Expands services to medically complex children; DCF to monitor medical foster homes with DOH
- Mandates new reporting processes and transparency to reporting child

fatalities in families known to the Department

- Expands Child on Child Sexual Abuse definitions and process
- Creates new hiring preferences, continuing education benefits, and required training for CPIs
- Provides additional Safety Planning direction
- Requires specialized training for investigators assigned to medical neglect or sexual exploitation investigations; case managers assigned to sexual exploitation cases must also be specially trained

Student Loan Forgiveness and Tuition Exemption for Child Protective Investigators, Case Managers and Supervisors

Tuition Exemption:

Creates a tuition exemption program for child protection and child welfare personnel who would like to pursue a graduate-level social work program or certificate program related to child welfare that is accredited by the Council on Social Work Education.

-Allows for up to six credit hours per term and requires continued employment for 5 years with the Department, a state agency, or a contracted provider

upon graduation to avoid repayment.

- Requires courses be taken online if offered
- Must maintain at least a "B" or repayment is required
- Requires the Annual Employee Evaluation to reflect high performance

Loan Forgiveness:

Creates a student loan forgiveness program for child protection and child welfare personnel who have a Bachelor's or Master's Degree in Social Work from an accredited program and are

employed by DCF, a CBC or a subcontracted agency.

Payments for tuition, books, fees and living expenses may be covered, up to \$3,000 a year for 4 years.

Requires continued employment for 5 years to avoid repayment.

Funds are prioritized to regions with high caseload averages and low retention. Program is limited based on funding availability. \$500,000 was appropriated for FY 2014-2015.



Child on Child Sexual Abuse Legislative changes

Amended 39.201: “Child on Child Sexual Abuse”

Age expanded to include all children 0 to 17+ years of age

De-stigmatizes youth; “juvenile sexual offender” changed to “alleged abuser”

Incidents of juvenile sexual abuse involving a child in the custody of or protective supervision of

the Department shall be reported to the Florida Abuse Hotline.

Facts and results of an investigation must be shared with the court at the next hearing and included in the next written report to the court.

At the Florida Abuse Hotline, every child will get a Florida

Administrative Message (FAM) and all youth will be assigned a Child on Child special condition report.

Regarding incidents involving children in the custody of the Department or under protective supervision, a call is required to the hotline whether the child is defined as the victim or the alleged abuser.

Quick Reference Links

Senate Bill 1666 -
<http://laws.flrules.org/2014/224>

House Bill 561 -
<http://laws.flrules.org/2014/227>

House Bill 977 -
http://laws.flrules.org/files/Ch_2014-166.pdf

House Bill 989 -
<http://laws.flrules.org/2014/160>

House Bill 7141 -
<http://laws.flrules.org/2014/161>

Implementation Webinars:
<http://centerforchildwelfare.fmhi.usf.edu/HorizontalTab/VideoTrainingTopic.shtm>

Hiring Goals for CPIs

The Legislature has established a hiring goal for DCF that by July 1, 2019, at least half of all child protective investigators (CPI) and child protective investigator supervisors employed by the Department should have a bachelors or a master's degree in Social Work.

Annually, the Department is required to report the qualifications of its CPI workforce, employee turnover in the area of child protection and working conditions of all child protection staff around the state.

Medical Neglect Definition and the New Process

“Medical neglect” means the failure to provide or the failure to allow needed care as recommended by a health care practitioner for a physical injury, illness, medical condition, or impairment, or the failure to seek timely and appropriate medical care for a serious health problem that a reasonable person would have recognized as requiring professional medical attention. Medical neglect does not occur if the parent or legal guardian has made reasonable attempts to obtain necessary health care services or the immediate health condition giving rise to the allegations of neglect is a known and expected complication of the child's diagnosis and treatment and:

(a) The recommended care offers limited net benefit to the child and the morbidity or other side effects of the treatment may be considered to be greater than the anticipated benefit; or

(b) The parent or legal guardian received conflicting medical recommendations for treatment from multiple practitioners and did not follow all recommendations.

Investigations of medical neglect must be conducted by investigators with specialized training arranged through the Office of Child Welfare.

Upon receiving an investigation for a “Medical neglect” allegation, the child protective investigator (CPI) shall promptly notify the Child Protection Team (CPT).

The Child Protection Team is to consult a physician with experience treating the child's medical condition.

Children suspected of having a delay or disability must be referred to a local child developmental screening program.

Upon receipt of the report by CPT, the CPI should convene a staffing for the case to include Children Legal Services, the CPI, Children's Medical Services, the community based care organization and the Agency for Health Care Administration (if the child receives Medicaid).



2014 Legislative Changes for Child Welfare Professionals

Newsletter 2 of 2

New and Amended Chapter 39 definitions:

Amended: "Diligent efforts by a parent" now requires a course of conduct that results in "a meaningful change in the behavior of a parent" that reduces risk to the child in the child's home.

New: "Impending danger" means a situation in which family behaviors, attitudes, motives, emotions, or situations pose a threat that may not be currently active but that can be anticipated to become active and to have severe effects on a child at any time.

New: "Present danger" means a significant and clearly observable family condition that is occurring at the current moment and is already endangering or threatening to endanger the child. Present danger threats are conspicuous and require that an immediate protective action be taken to ensure the child's safety.

New: "Safety plan" means a plan created to control present or impending danger using the least intrusive means appropriate to protect a child when a parent, caregiver, or legal custodian is unavailable, unwilling, or unable to do so. This definition aligns with the new safety methodology.

Critical Incident Rapid Response Team:

Effective January 15, 2015, the Department must provide an immediate, on-site investigation of certain child deaths or other serious incidents to identify the root causes of the event. The team responsible for conducting the investigation will be comprised of multi-agency representation and shall include at least five child welfare professionals, the majority of whom must reside outside the judicial circuit where the incident occurred.

Investigations must be initiated ASAP—but not later than **two business days** after the case is reported to the Department via the Florida Abuse Hotline. A preliminary report of the investigation is due to the Secretary for the Department no later than **30 days** after the investigation begins. The final team report will be posted on the Department's website.

Rilya Wilson Act Changes

- Expands the Rilya Wilson Act to include children under court-ordered protective supervision or in DCF custody, ages birth to school entry (previously 3 years to school age)
- If enrolled in a child care program, mandates attendance five (5) days a week
- Requires attendance at a child care program to be part of the safety plan or case plan (if unsafe)

Keys to Independence

- Keys to Independence represents a continuation of emphasis on Normalcy
- Department is required through a contract for \$800,000/year with a not-for-profit entity to establish a three-year, statewide pilot program for children in licensed out-of-home care
- Pilot program can pay for costs of driver's education, costs of obtaining a driver's license, and costs of motor vehicle insurance
- Provides for preferential enrollment in driver education courses
- Allows removal of disability of nonage of minor to ensure a child in foster care is able to secure motor vehicle insurance

Siblings and Placement Changes:

New definition of "Sibling":

- (a) A child who shares a birth parent or legal parent with one or more other children; or
- (b) A child who has lived together in a family with one or more other children whom he or she **identifies as siblings**.

Placement in Shelter Care

Shelter order must find that the Department made reasonable efforts to **keep siblings together** and requires CPIs make a recommendation to the court for **frequent sibling visitation or interaction** if they are placed apart at the shelter hearing. Department must justify the delay if visitation is ordered but cannot commence within 72 hours.



Results-Oriented Accountability Program

Section 409.997, Florida Statutes, enacted by Section 10 of [Chapter 2014-161, Laws of Florida](#), provides for the creation of a comprehensive, results-oriented accountability program. The statute initially notes that the Department, the CBC's and their subcontractors share the responsibility for achieving the nine outcome goals specified in section 409.986(2), Florida Statutes, (See Section 31 of [Chapter 2014-224, Laws of Florida](#)) and provides for a two-step process to develop the Results-Oriented Accountability Program.

By August 31, 2014, the Department is to contract with a qualified consultant or organization with expertise in child welfare to develop a plan for development and implementation of the Results-Oriented Accountability Program. The Department released an RFQ on July 2, 2014 to procure this service.

[Section 11 of Chapter 2014-161](#) appropriates \$300,000 for the contract to develop the plan. The plan is to include recommendations on monitoring the use of

resources, quality and amount of services provided, and child and family outcomes through data analysis, research review, evaluation and quality improvement. The plan is to be submitted to the Governor, the President of the Senate, and the Speaker of the House by February 1, 2015.

Upon appropriation of funds during the 2015 legislative session to implement the Results-Oriented Accountability Program, the Department is to establish a technical advisory panel to advise on implementation.

That panel is to include representatives from the Florida Institute for Child Welfare, CBC's, community-based and other care providers, community alliances and family representatives, as well as legislative liaisons appointed President of the Senate and the Speaker of the House of Representatives.

Quick Reference Links

Senate Bill 1666 -
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House Bill 561 –
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House Bill 977 –
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House Bill 989 –
<http://laws.flrules.org/2014/160>

House Bill 7141 –
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Implementation

Webinars:

<http://centerforchildwelfare.fmhi.usf.edu/Horizonta/Tab/VideoTrainingTopic.shtml>

Victim's Rights

Chapter 2014 – 160, related to Human Trafficking makes it unlawful to permanently brand a victim's body.

Additionally persons under the age of 18, whether or not such persons' disabilities of nonage have been removed by marriage or otherwise, may not be employed, permitted, or suffered to work in an adult theater, as defined in s. 847.001(2)(b).

Most importantly, there are now protections in place for victims of human trafficking that allow their criminal arrest or court records to be expunged and destroyed, while also providing victims the opportunity to become eligible for crime victim compensation awards and relocation awards.

New 'Desertion' definition in 827.10:

The Chapter 827 change in Florida Statutes makes it unlawful to leave a child in a place or with a person other than a relative with the intent not to return to the child to provide care.

Caregivers who desert a child under circumstances in which the caregiver should know the "desertion" of the child would expose him or her to unreasonable risk of harm commit a felony of the third degree.

