



**State of Florida  
Department of Children and Families**

**Rick Scott**  
Governor


**Mike Carroll**  
Secretary

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**DATE:** August 5, 2016

**TO:** Regional Managing Directors  
Community-Based Care Lead Agency CEOs

**THROUGH:** David L. Fairbanks, Deputy Secretary 

**FROM:** JoShonda Guerrier, Assistant Secretary for Child Welfare   
Vicki Abrams, Assistant Secretary for Operations 

**SUBJECT:** 2016 Legislative Changes Related to Child Well-Being

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**\*\*\*INFORMATIONAL MEMORANDUM\*\*\***

**PURPOSE:** The purpose of this memorandum is to highlight several bills that may impact the well-being of children and families who come in contact with our staff.

**BACKGROUND:** During the 2016 Legislative Session, five bills were passed that may have an impact on the well-being of children and families we serve. These bills address a wide variety of issues, including education, mental health, adoption and autism. A few of the changes include:

- the requirement for a school district to provide preferential treatment in its open enrollment process for children in foster care who have changed placements;
- the ability for children in foster care who have changed schools due to a change in placement to participate in a sport, even if the student participated in that same sport at another school during the year;
- eligibility exemptions for children in foster care to receive the McKay scholarship;
- amendments to the factors a court must consider in determining whether the best interests of the child are served by transferring custody to a prospective adoptive parent chosen by the parent or adoptive entity; and
- the provision that a professional (such as a special education instructor, mental health counselor, etc.) may be present when Law Enforcement is interviewing a person with autism.

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Mission: Work in Partnership with Local Communities to Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

**ACTION REQUESTED:** Please widely circulate the attached “quick guide” that provides information on the five bills that may impact the well-being of children and families we serve. This guide may also be found on Florida’s Center for Child Welfare under Legislative Changes, 2016 Session ([centerforchildwelfare.org](http://centerforchildwelfare.org)).

**CONTACT INFORMATION:** If you require additional information or have questions please contact Jane McElroy at [jane.mcelroy@myflfamilies.com](mailto:jane.mcelroy@myflfamilies.com).

**ATTACHMENT**

“2016 Legislative Changes for Child Welfare Professionals” Quick Guide

cc: Grainne O’Sullivan, Director, Children’s Legal Services  
Vicki Abrams, Assistant Secretary for Operations  
David L. Fairbanks, Deputy Secretary  
Regional Family and Community Services Directors  
Center for Child Welfare



OFFICE OF CHILD WELFARE  
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# 2016 Legislative Changes for Child Welfare Professionals

A number of bills that the Legislature passed during the 2016 Legislative Session **became law on July 1, 2016**. Five of the bills include information that may impact the well-being of children or families we serve. An outline of the changes included in each bill is listed within this quick guide.

## HB 7029 – School Choice (Chapter 2016-237, Laws of Florida)

- 1) **Amends s. 1002.31(2)(c), F.S.,** requiring each school district to provide preferential treatment in its controlled open enrollment process to all children who have been relocated due to a foster care placement in a different school zone
- 2) **Amends s. 1002.31(6)(b), F.S.,** allowing children who have been relocated due to a foster care placement in a different school zone to participate in a sport even if the student participated in that same sport at another school during the school year



## HB 837 - Educational Programs for Individuals with Disabilities

(Chapter 2016-137, Laws of Florida)

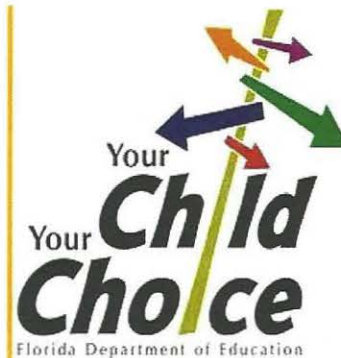
- For determining student eligibility for a McKay Scholarship, this new law exempts foster children from the requirement of having attended a public school during the prior school year.

(NOTE: A child who has a disability may be eligible for a McKay Scholarship that will allow him or her to transfer to a private school. This would apply to all dependent children who are disabled.)

- Authorizes a private school to establish a transition-to-work program for McKay students
- Enables students eligible for the McKay Scholarship to take virtual courses without reducing the scholarship amount

### The law expands services provided to home education program students, including students with disabilities:

- Requires the Department of Education to make testing and evaluation diagnostic services available to home education program students at diagnostic and resource centers
- Authorizes school districts to provide exceptional student education-related services to home education program students with disabilities eligible for the services who enroll in a public school solely for the purpose of receiving such services, and requires the districts to report such students for full-time equivalent funding



## HB 439 – Mental Health Services in Criminal Justice System

(Chapter 2016-127,  
Laws of Florida)

- Amends s. 39.001(6), F.S., to include mental health services with substance abuse services for children and parents involved in the dependency system
- Authorizes dependency courts to require persons having or seeking custody of a child to participate in certain mental health programs
- Expands eligibility criteria for defendants to participate in diversionary programs to include children in dependency court

Read more under  
“Legislative Changes” at the  
[centerforchildwelfare.org](http://centerforchildwelfare.org).



## **SB 590 - Adoption Intervention** *(Chapter 2016-71, Laws of Florida)*

- Requires the court to provide written notice to a parent of his or her right to participate in a private adoption plan earlier in the process than currently required by law. (NOTE: This may cause the Department to see an increase in the number of interventions.)
- Amends the factors a court must consider in determining whether the best interests of the child are served by transferring custody to a prospective adoptive parent chosen by the parent or adoptive entity to include:
  - the permanency offered,
  - the established bonded relationship of the child and the current caregiver in any potential adoptive home in which the child is residing,
  - the stability of the potential adoptive home in which the child has been residing as well as the desirability of maintaining continuity of placement,
  - the importance of maintaining sibling relationships,
  - the reasonable preferences and wishes of the child if the court deems the child to be of sufficient maturity, understanding and experience to express a preference,
  - whether a petition for termination of parental rights has been filed pursuant to s. 39.806(1)(f), (g), or (h), F.S.,
  - what is best for the child, and
  - the rights of the parent based on the well-being of the child.

(CLS will expect the case manager to be prepared to address these factors at the hearing.)

- Allows the court to consider the best interests of a child when making a determination of a child's change in placement instead of solely whether the change in placement is appropriate

### **Quick Reference Links**

House Bill 7029 –  
<http://laws.flrules.org/2016/237>

House Bill 837 –  
<http://laws.flrules.org/2016/137>

House Bill 439 –  
<http://laws.flrules.org/2016/127>

Senate Bill 590 –  
<http://laws.flrules.org/2016/71>

Senate Bill 936 –  
<http://laws.flrules.org/2016/175>

## **SB 936 - Law Enforcement Interviews Involving Persons with Autism** *(Chapter 2016-175, Laws of Florida)*

- Provides that a law enforcement officer, correctional officer or public safety officer shall, upon the request of an individual with autism or his or her parent or guardian, make a good faith effort to ensure that a psychiatrist, psychologist, mental health counselor, special education instructor, clinical social worker, or related professional is present at all interviews of the individual.



- Provides qualifications the professional must have to serve in this capacity.
- Allows an identification card to be issued with a capital "D" upon request of a person who has a developmental disability of by a parent or guardian of a child with a disability.

NOTE: The Child Protection Team in collaboration with the Office of Child Welfare will work with the Department of Education to possibly identify staff who currently work with a child with autism who could be present at the child's interview with Law Enforcement.

For additional information, please contact [jane.mcelroy@myflfamilies.com](mailto:jane.mcelroy@myflfamilies.com).