

2018 Legislative Session
HB 281, 1079, and 1435
Job Aid



OFFICE OF CHILD WELFARE

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Table of Contents

Case Planning When Parents Are Incarcerated or Become Incarcerated - HB 281 Section 1 (27-78)	3
Parental Accountability - HB 1079 Section 6 (362-381), Section 7 (382-391), and Section 8 (392-404)	5
Case Plan Requirements for Children Younger Than School Age - HB 1435 Section 5 (283-313)	6
Rilya Wilson Act, Education Stability and Transition - HB 1435 Section 6: (316-427)	7

Case Planning When Parents Are Incarcerated or Become Incarcerated – HB 281 Section 1 (27-78)

Statutes Impacted:

- s. 39.621 (1)(2)(3)(4)(5)(a)(b)(c)(6)(7)(8), F.S.

Issue:

- Case planning development for incarcerated parents and available services.

Changes:

- When parents are incarcerated or become incarcerated, the Department shall obtain information from the facility where they reside to determine how they can participate in the preparation and completion of the Case Plan and receive services.
- An incarcerated parent must be given the regulations of the facility where he/she resides and the services available at the facility.
- The Department must attach a list of all services available at the facility to the Case Plan. If the facility does not have a list of available services, the Department must note the unavailability of the list in the Case Plan.
- The incarcerated parent must comply with the facility procedures and policies to access services or maintain contact with his/her children as provided in the Case Plan.
- If a parent becomes incarcerated after a Case Plan has been developed, the parties must move to amend the Case Plan if the incarceration has an impact on permanency for the child including, but not limited to:
 - Modification of provision regarding visitation and contact with the child
 - Identification of services within the facility
 - Changing the permanency goal or establishing a concurrent goal
- A parent's services must be assessed upon release if the Case Plan has not expired.
- If the parent was unable to participate in services, the Department must include a full explanation of the circumstances surrounding nonparticipation and state the nature of the Department's efforts to secure participation.
- The new language may not be interpreted as creating additional obligations for a facility that do not exist in statutes or regulations governing the facility.

Who This Impacts:

- Community Based Care Lead Agencies, Case Management Organizations, Children's Legal Services, and Correctional facilities

Next Steps:

- Case Managers need to coordinate with Children's Legal Services and other parties to ensure participation of the incarcerated parent in the development of Case Plan.

- Upon completing the Family Functioning Assessment-Ongoing and developing the Case Plan Worksheet, Case Managers must send a notification/introduction letter to the parent(s) notifying them of their assignment and contact information.
- Case Managers also must send a letter to the assigned correctional institution introducing themselves and their role and asking the Classification Officer to respond via e-mail with their contact information. The email will be marked “**Attention Classification Department**”.
 - **Important:** The incarcerated parent’s information can be located on the Florida Department of Correction’s website: <http://www.dc.state.fl.us/>. Click on “Offender Search” to locate their Department of Corrections’ number and the address of the assigned correctional institution. Information on parents incarcerated outside of the state of Florida can be found using Vinelink at <https://www.vinelink.com/#/home>.
- When a parent is incarcerated Case Managers need to identify the appropriate services and classes for the parent in order to make recommendations to the court regarding tasks that should be included in the parent’s Case Plan. The Florida Department of Correction’s website has information about programs and services that are available, such as mental health treatment, substance abuse counseling, parenting classes, and anger management, and can be accessed at the various correctional institutions by the parent(s).
- Upon obtaining a verified list of available services, Case Managers need to ensure the list is attached to the copy of the Case Plan filed with the courts.
- Children’s Legal Services need to verify that the list of available services at the facility is attached to all court ordered Case Plans involving incarcerated parents prior to filing with the courts.
- A copy of the Case Plan must be provided to the incarcerated parent. A copy can be provided via mail, e-mail, or provided through the assigned attorney.
- Case Managers need to familiarize themselves with s. 39.6011 (1)(a), F.S. and HB 281.

The following changes are being made to align policy to statutory changes and new provisions enacted by the 2018 Florida Legislature.

CFOP 170-9, Family Assessment and Case Planning

Chapter 5, Case Planning to Support Family Change has been revised to:

- include an example of “incarceration” as a consideration of a barrier.
- include an example of “correctional facilities” for possible solutions to each identified barrier including what the agency can and cannot provide.

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Parental Accountability - HB 1079 Section 6 (362-381), Section 7 (382-391), and Section 8 (392-404)

Statutes Impacted:

- s. 39.012(1)(d), F.S.
- s. 39.6013(6), F.S.
- s. 39.621(5)(d), F.S.
- s. 39.701(2)(d)(5), F.S.

Issue:

- Parental accountability regarding notification to contracted case management agency.

Changes:

- Parents must provide accurate contact information to the Department or the contracted case management agency, update information as appropriate, and make proactive contact with the Department or the contracted case management agency at least every 14-calendar days to provide information on the status of the Case Plan task completion, barriers to completion, and plans toward reunification.
- When determining to amend the Case Plan, the court must consider the length of time the case has been open, the level of parental engagement to date, the number of Case Plan tasks completed, the child's type of placement and attachment, and the potential for successful reunification.
- During permanency hearings, a determination will be made on whether or not the frequency, duration, manner, and level of engagement of the parent or legal guardian's visitation with the child meets the Case Plan requirements.
- During judicial review hearings, courts must consider and make findings of the level of the parent's or legal custodian's compliance with the Case Plan, demonstrated change in protective capacities, and level and duration of engagement during visitations.

Who This Impacts:

- Community Based Care Lead Agencies, Case Management Organizations, Child Protective Investigators

Next Steps:

- Case Managers need to continue to ensure that all communication with parents is documented in the FSFN system within 48 hours of contact.

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Case Plan Requirements for Children Younger Than School Age - HB 1435 Section 5 (283-313)

Statutes Impacted:

- s. 39.6012 (2)(b)3-4, F.S.

Issue:

- If the child is under the age of school entry, all available information that is relevant to the child's care including any records from a child care program, early education program, or preschool program must be included in the Case Plan.
- Documentation of compliance or noncompliance with attendance requirements if the child is enrolled in a child care program, early education program, or preschool program.

Changes:

- Child Welfare Professionals must obtain records from all child care, early education, and preschool programs and include the information in the Case Plan.
- Child Welfare Professionals document compliance and noncompliance with the attendance requirements of all child care, early education, and preschool programs.

Who This Impacts:

- Child Protective Investigators, Child Protective Investigator Supervisors, Sheriff's Offices, Dependency Case Managers, Dependency Case Manager Supervisors, and other staff involved in developing Case Plans

Next Steps:

- The following changes are made to align policy to statutory changes and new provisions enacted by the 2018 Florida Legislature.
- Child Welfare Professionals must obtain records from a child care program, early education program, or preschool program and include the information in the Case Plan.
- Child Welfare Professionals must document compliance or noncompliance with the attendance requirements if the child is enrolled in a child care program, early education program or preschool program.

CFOP 170-9, Chapter 6, Evaluating Family Progress

- Add the requirement for Case Plans that if the child is under the age of school entry, there should be an assessment of any records from a child care program, early education program, or preschool program including attendance requirements.

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Rilya Wilson Act, Education Stability and Transition - HB 1435 Section 6: (316-427)

Issue:

- Minimize disruptions to secure attachments and stable relationships with supportive caregivers of children from birth to school age and to ensure that these attachments are not disrupted due to placement in out-of-home care subsequent changes in out-of-home placement.

Changes:

- A child must be allowed to remain in the child care or early education setting that he/she attended before entry into out-of-home care, unless the program is not in the best interest of the child.

Who This Impacts:

- Child Protective Investigators, Child Protective Investigator Supervisors, Sheriff's Offices, Dependency Case Managers, Dependency Case Manager Supervisors, and other staff involved in placing children

Next Steps:

- The Department and providers of child care and early education shall follow local protocols set up by their Community Based Care agency to ensure continuity if children are required to leave a program because of a change in out-of-home placement.
- If it is not in the best interest of the child to remain in his/her child care or early education setting upon entry into out-of-home care, the caregiver must work with the Case Manager, Guardian ad Litem, child care and educational staff, and educational surrogate, if one has been appointed, to determine the best setting for the child. Such a setting may be a child care provider that receives a Gold Seal Quality Care designation pursuant to s. 402.281, F.S., a provider participating in a quality rating system, a licensed child care provider, a public school provider, or a license-exempt child care provider, including religious-exempt and registered providers, and nonpublic schools.
- In the absence of an emergency, if a child from birth to school age leaves a child care or early education program a transition plan needs to be developed that involves cooperation and sharing of information among all persons involved, respects the child's developmental stage and associated psychological needs, and allows for a gradual transition from one setting to another.

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