

HB 1079 – Child Welfare

(EFFECTIVE JULY 1, 2018 OR AS NOTED IN THE BILL)



ADOPTION REQUIREMENTS

Requires Department of Children and Families (department) to provide record checks of Abuse Registry to adoption entity.

Requires adoption entity (not the department) to determine counseling and education adoptive parent shall receive.

Requires approved adoption home study be completed prior to adoption finalization to receive adoption assistance payments.

KEYS TO INDEPENDENCE

Expands authorization to sign a child's application for a learner's license to relatives and nonrelatives who have custody of a child in out-of-home care.

The relative or nonrelative does not assume any obligation or become liable for any damages caused by the minor by signing the application.

Expands to relative and nonrelative caregivers, the ability to obtain motor vehicle insurance coverage for the child with a learner's permit without an additional premium.

Guardianship Assistance Program (GAP) - (For more information see page 3)

Authorizes the department to establish GAP effective July 1, 2019.

Requires relatives, next of kin, and fictive kin (person with close relationship to child) to become licensed as a Level I foster home for at least 6 months before being eligible to receive financial assistance of up to \$333 per month.

Provides Medicaid coverage as long as child is eligible for GAP.

Title IV-E Extended Foster Care

Aligns state statutes with federal requirements for Title IV-E reimbursement.

Ensures case plans and transition plans are developed with the young adults.

Requires case manager monthly home visits to be face-to-face visits.

Extension of Maintenance Adoption Assistance

Extends Maintenance Adoption Assistance payments to young adults ages 18 to 21, in certain instances, effective July 1, 2019.

Adoptive parent must enter into adoption agreement when the child is age 16 or 17 and child must meet certain requirements. (see section 409.166(4)(d), Florida Statutes)



COMMERCIALLY SEXUALLY EXPLOITED CHILDREN

Amends requirements for residential treatment centers and hospitals that serve victims of commercial sexual exploitation to ensure they receive the individual services they need.

Allows the centers and hospitals to prioritize delivery of certain services.

Allocation Formula for CBC Funding

- Amends the allocation formula for the CBCs to include family support services in the proportion of children in care.
- Amends out-of-home period from 12 months to 24 months.
- Adjusts the weights for the equity allocation of core services.
- Amends the equity allocation model for new core services funding from 20% to 70% for all CBCs and 80% to 30% for those CBCs below their equitable share.

(see section 409.991, Florida Statutes for more information)



CHILD CARE REQUIREMENTS

- Requires child care facilities to develop procedures to avoid leaving children in vehicles when transported by the facility.
- Establishes that facilities shall not be responsible for children when they are transported by a parent or guardian.
- Requires child care facilities, family day care homes and large family child care homes during the months of April and September of each year, at a minimum, to provide the parents information regarding the potential for a distracted adult to fail to drop off a child at the facility and instead leaves the child in the adult's vehicle upon arrival at the adult's destination.
- Requires the department to develop a brochure or flyer that is posted on the department's website regarding the distracted adult information which the facility may choose to reproduce and provide to parents to satisfy the notification requirements.

CHILD PROTECTION

Protection of Newborns

- Amends the definition of abuse to include the birth of a child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the child.
- Amends the definition of harm to protect a child from prospective harm due to a parent's extensive, abusive, and chronic use of a controlled substance or alcohol.

Background Screening

- Authorizes the department to establish an exemption process from being fingerprinted for certain household members with physical and developmental disabilities and requires a level 1 screening to be completed.
- Changes the length of time resisting arrest with violence may be considered as a disqualifying offense from a lifetime to the prior five years regarding the placement of a child by the department.

Parental Accountability

- Holds the parents or guardians of children adjudicated dependent more accountable for the timeliness of a child obtaining permanency.
- Requires the parent/guardian to contact his or her case manager at least every 14 days.
- Expands the courts oversight regarding the parent/guardian's level of engagement around visitation, meeting the case plan, and demonstrable change in parental capacity to achieve timely reunification within 12 months of removal.

GUARDIANSHIP ASSISTANCE PROGRAM



- Authorizes the Department of Children and Families (department) to establish the Guardianship Assistance Program which is another option for relatives, next of kin and fictive kin (person with close relationship to the child) to receive financial assistance for the dependent child(ren) placed in the custody of the relative or kin. The program begins **July 1, 2019** and the payment amount is \$333 per child per month.
- Establishes the eligibility requirements for the program including:
 - Child's placement must be approved by the court;
 - Caregiver must be licensed for the care of a specific child;
 - Child must be placed in the home of the caregiver for at least six consecutive months after licensure; and
 - Court must grant the caregiver/guardian custody of the child.
- Establishes Levels I - V of care for licensure purposes and allows the department to waive non-safety requirements for child specific Level I licensure.
- Requires the department to provide payments for non-recurring expenses associated with obtaining permanent guardianship of a child (maximum of \$2,000 per child established in federal law) and provides examples of expenses that are included.
- Authorizes Medicaid coverage for children receiving guardianship assistance payments until the child attains 18 years of age or until the child attains 21 years of age if the child meets the extended coverage requirements.
- Authorizes the department to provide guardianship assistance payments for young adults ages 18 to 21 whose permanent guardian entered into a permanent guardianship agreement after the young person reached the age of 16 or 17 if the young adult meets one of the conditions outlined:
 - Completing secondary education or a program leading to an equivalent credential;
 - Enrolled in an institution that provides postsecondary or vocational education;
 - Participating in a program or activity designed to promote or eliminate barriers to employment;
 - Employed for at least 80 hours per month; or
 - Unable to participate in programs or activities listed in paragraphs (a)-(d) full time due to a physical, intellectual, emotional, or psychiatric condition that limits participation. Any such barrier to participation must be supported by documentation in the child's case file or school or medical records of a physical, intellectual, emotional, or psychiatric condition that impairs the child's ability to perform one or more life activities.
- Gives the department rulemaking authority to administer the program.
- Requires the department to develop and implement a comprehensive communications strategy in support of relatives and fictive kin who are prospective caregivers.
- Requires the Florida Institute for Child Welfare to evaluate the implementation of the Guardianship Assistance Program. The report is due to the legislature and Governor January 1, 2021.