



State of Florida  
Department of Children and Families


Rick Scott  
Governor


Rebecca Kapusta  
Interim Secretary

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**DATE:** October 8, 2018

**TO:** Regional Managing Directors  
Community-Based Care Lead Agency CEOs  
Sheriff's Offices Conducting Child Protective Investigations

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

**FROM:** JoShonda Guerrier, Assistant Secretary for Child Welfare 

**SUBJECT:** 2018 Legislative Changes Related to Child Welfare

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**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 2018 Legislative Session, four bills were passed that impact child welfare and the children and families we serve. These bills address a wide variety of issues, as outlined below:

- **CS/CS/HB 1079 – Child Welfare** – Representative Burton, effective July 1, 2018 except as otherwise noted – makes a number of changes to current law relating to the care of children in the child welfare system, including additional protections for infants, creation of the Guardianship Assistance Program, addition of federal requirements for Extended Foster Care, extension of Maintenance Adoption Assistance to age 21 in certain instances, exemption of fingerprints due to physical, developmental, or cognitive disability, increasing parental accountability, alignment of background screening requirements for child care employees with federal requirements, expansion of Keys to Independence program to relative and nonrelative caregivers, amending allocation formula for Community-Based Care Lead Agencies, and revising requirements for residential treatment centers or hospitals who serve commercially sexually exploited children. (Chapter 2018-103, Laws of Florida);
- **HB 281 – Incarcerated Parents** – Representatives Williams and Daniels, effective July 1, 2018 – requires the Department to include incarcerated parents of dependent children in the case planning process. (Chapter 2018-45, Laws of Florida);
- **HB 1073 – Department of Financial Services** – Representative Hager, effective July 1, 2018 – requires the Department to provide financial literacy information for certain older teens and young adults. (Chapter 2018-102, Laws of Florida); and

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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

- **HB 1435 – Child Welfare** – Representative Perez, effective July 1, 2018 – makes a number of changes designed to improve the use and support of relative and nonrelative caregivers for children removed from their homes due to abuse or neglect and provides for educational stability and for transitions in educational settings for children under school age. (Chapter 2018-108, Laws of Florida).

**ACTION REQUESTED:** Please widely circulate the attached “newsletters” that provide information on the four bills that impact child welfare. These “newsletters” may also be found on the Florida’s Center for Child Welfare’s website under Legislative Changes, 2018 Session ([centerforchildwelfare.org](http://centerforchildwelfare.org)).

Attachments:

- Newsletter for HB 1079
- Newsletter for HB 281\_1073\_1435

cc: Regional Family and Community Services Directors  
Center for Child Welfare

# 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.

# 2018 Legislative Changes for Child Welfare Professionals



## HB 281

### Incarcerated Parents

Requires the department to include incarcerated parents of dependent children in the case planning process and to identify available services in the correctional institution.

## HB 1073

### Department of Financial Services

Requires the Community Based Care Lead Agencies (CBC) to provide information to older youth in care and certain young adults regarding the Department of Financial Services' financial literacy information.

## HB 1435

### Child Welfare

Makes a number of changes designed to improve the use and support of relative and nonrelative caregivers and provides for educational stability and transitions in educational settings.



Grandparents  
can make a great placement

## QUICK REFERENCE LINKS

House Bill 281 - <http://laws.flrules.org/2018/45>

House Bill 1073 - <http://laws.flrules.org/2018/102>

House Bill 1435 - <http://laws.flrules.org/2018/108>



## HB 281 - INCARCERATED PARENTS

- Requires the department to obtain information from the facility where the parent is incarcerated to determine how the parent can participate in the preparation and completion of the case plan and receive the services that are available.
- Requires the parent who is incarcerated to be included in the case planning and be provided a copy of any case plan that is developed.
- The department must attach a list of the available services in the facility or note that the facility does not have a list of available services in the case plan.
- If a parent becomes incarcerated after a case plan has been developed, the parties to the case plan must move to amend the case plan if the incarceration of the parent has an impact on permanency for the child.

## HB 1073 - DEPARTMENT OF FINANCIAL SERVICES

Requires the CBCs to provide information regarding the Department of Financial Services' financial literacy on-line program to children who have reached 17 years old and are completing a transition plan or are applying for aftercare services.



## HB 1435 - CHILD WELFARE

- Subject to available funds authorizes the department, certain county sheriff's offices, and CBCs to establish family finding programs designed to better identify relatives that may become caregivers for children of family members.
- Subject to available resources, authorizes the CBCs to establish kinship navigator programs to provide assistance to relatives and nonrelatives who are caring for children in out-of-home care to help them navigate the services and benefits available.
- Clarifies a provision in the Rilya Wilson Act that caregivers of children in out-of-home care who stay home all day or work less than full time are not required to keep the child in child care.
- Addresses educational stability and transitions in educational settings for children under school age.