



## 2014 Legislative Changes for Child Welfare Professionals

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### **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 -  
<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](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/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.

