

1 A bill to be entitled
 2 An act relating to child welfare; providing a short
 3 title; amending s. 25.385, F.S.; requiring the Florida
 4 Court Educational Council to establish certain
 5 standards for instruction of circuit and county court
 6 judges for dependency cases; creating s. 39.0142,
 7 F.S.; establishing communication between law
 8 enforcement agencies and the Department of Children
 9 and Families related to certain parents or caregivers
 10 involved in the child welfare system; amending s.
 11 39.8296, F.S.; requiring that the Guardian ad Litem
 12 training program include training on the recognition
 13 of and response to head trauma and brain injury in
 14 specified children; amending s. 402.402, F.S.;
 15 requiring certain entities to provide training to
 16 certain parties on the recognition of and response to
 17 head trauma and brain injury in specified children;
 18 removing obsolete language; amending s. 409.988, F.S.;
 19 requiring lead agencies to provide certain individuals
 20 with training on the recognition of and response to
 21 head trauma and brain injury in specified children;
 22 authorizing lead agencies to provide intensive family
 23 reunification services that combine child welfare and
 24 mental health services to certain families; amending
 25 s. 409.996, F.S.; requiring the department and a lead

26 agency to create a program to more effectively provide
 27 case management services to specified children;
 28 providing criteria for selecting circuits for
 29 implementation of the program; specifying the
 30 requirements of the program; requesting a report;
 31 creating s. 943.17297, F.S.; requiring the Criminal
 32 Justice Standards and Training Commission to
 33 incorporate training for specified purposes; providing
 34 an effective date.

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36 Be It Enacted by the Legislature of the State of Florida:

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38 Section 1. This act may be cited as "Jordan's Law."

39 Section 2. Section 25.385, Florida Statutes, is amended to
 40 read:

41 25.385 Standards for instruction of circuit and county
 42 court judges ~~in handling domestic violence cases.~~

43 (1) The Florida Court Educational Council shall establish
 44 standards for instruction of circuit and county court judges who
 45 have responsibility for domestic violence cases, and the council
 46 shall provide such instruction on a periodic and timely basis.

47 ~~(2) As used in this subsection, section:~~

48 ~~(a) The term "domestic violence" has the meaning set forth~~
 49 ~~in s. 741.28.~~

50 ~~(b) "Family or household member" has the meaning set forth~~

51 ~~in s. 741.28.~~

52 (2) The Florida Court Educational Council shall establish
 53 standards for instruction of circuit and county court judges who
 54 have responsibility for dependency cases regarding the
 55 recognition of and response to head trauma and brain injury in a
 56 child under 6 years of age. The council shall provide such
 57 instruction on a periodic and timely basis.

58 Section 3. Section 39.0142, Florida Statutes, is created
 59 to read:

60 39.0142 Notifying law enforcement of parent or caregiver
 61 names.—The Department of Law Enforcement shall make available to
 62 a law enforcement officer information that a person is a parent
 63 or caregiver who is currently the subject of a child protective
 64 investigation for alleged child abuse, abandonment, or neglect,
 65 or is a parent or caregiver of a child who has been allowed to
 66 return to or remain in the home under judicial supervision after
 67 an adjudication of dependency. This information shall be
 68 provided via a Florida Crime Information Center query into the
 69 department’s child protection database.

70 (1) If a law enforcement officer has an interaction with
 71 such a person, that law enforcement officer shall contact the
 72 central abuse hotline after the interaction and provide details
 73 regarding the interaction.

74 (2) The hotline shall provide any relevant information to:

75 (a) The child protective investigator, if the person is the
 76 subject of a child protective investigation, or

77 (b) The child's case manager and the attorney representing
 78 the department, if the person is a parent of or a caregiver for
 79 a child under judicial supervision after an adjudication of
 80 dependency.

81 Section 4. Paragraph (b) of subsection (2) of section
 82 39.8296, Florida Statutes, is amended to read:

83 39.8296 Statewide Guardian Ad Litem Office; legislative
 84 findings and intent; creation; appointment of executive
 85 director; duties of office.-

86 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a
 87 Statewide Guardian Ad Litem Office within the Justice
 88 Administrative Commission. The Justice Administrative Commission
 89 shall provide administrative support and service to the office
 90 to the extent requested by the executive director within the
 91 available resources of the commission. The Statewide Guardian Ad
 92 Litem Office shall not be subject to control, supervision, or
 93 direction by the Justice Administrative Commission in the
 94 performance of its duties, but the employees of the office shall
 95 be governed by the classification plan and salary and benefits
 96 plan approved by the Justice Administrative Commission.

97 (b) The Statewide Guardian Ad Litem Office shall, within
 98 available resources, have oversight responsibilities for and
 99 provide technical assistance to all guardian ad litem and

100 attorney ad litem programs located within the judicial circuits.

101 1. The office shall identify the resources required to
 102 implement methods of collecting, reporting, and tracking
 103 reliable and consistent case data.

104 2. The office shall review the current guardian ad litem
 105 programs in Florida and other states.

106 3. The office, in consultation with local guardian ad
 107 litem offices, shall develop statewide performance measures and
 108 standards.

109 4. The office shall develop a guardian ad litem training
 110 program~~, which shall include, but not be limited to, training~~
 111 on the recognition of and response to head trauma and brain
 112 injury in a child under 6 years of age. The office shall
 113 establish a curriculum committee to develop the training program
 114 specified in this subparagraph. The curriculum committee shall
 115 include, but not be limited to, dependency judges, directors of
 116 circuit guardian ad litem programs, active certified guardians
 117 ad litem, a mental health professional who specializes in the
 118 treatment of children, a member of a child advocacy group, a
 119 representative of the Florida Coalition Against Domestic
 120 Violence, and a social worker experienced in working with
 121 victims and perpetrators of child abuse.

122 5. The office shall review the various methods of funding
 123 guardian ad litem programs, shall maximize the use of those
 124 funding sources to the extent possible, and shall review the

125 kinds of services being provided by circuit guardian ad litem
 126 programs.

127 6. The office shall determine the feasibility or
 128 desirability of new concepts of organization, administration,
 129 financing, or service delivery designed to preserve the civil
 130 and constitutional rights and fulfill other needs of dependent
 131 children.

132 7. In an effort to promote normalcy and establish trust
 133 between a court-appointed volunteer guardian ad litem and a
 134 child alleged to be abused, abandoned, or neglected under this
 135 chapter, a guardian ad litem may transport a child. However, a
 136 guardian ad litem volunteer may not be required or directed by
 137 the program or a court to transport a child.

138 8. The office shall submit to the Governor, the President
 139 of the Senate, the Speaker of the House of Representatives, and
 140 the Chief Justice of the Supreme Court an interim report
 141 describing the progress of the office in meeting the goals as
 142 described in this section. The office shall submit to the
 143 Governor, the President of the Senate, the Speaker of the House
 144 of Representatives, and the Chief Justice of the Supreme Court a
 145 proposed plan including alternatives for meeting the state's
 146 guardian ad litem and attorney ad litem needs. This plan may
 147 include recommendations for less than the entire state, may
 148 include a phase-in system, and shall include estimates of the
 149 cost of each of the alternatives. Each year the office shall

150 provide a status report and provide further recommendations to
151 address the need for guardian ad litem services and related
152 issues.

153 Section 5. Subsections (2) and (4) of section 402.402,
154 Florida Statutes, are amended to read:

155 402.402 Child protection and child welfare personnel;
156 attorneys employed by the department.—

157 (2) SPECIALIZED TRAINING.—All child protective
158 investigators and child protective investigation supervisors
159 employed by the department or a sheriff's office must complete
160 the following specialized training:

161 (a) Training on the recognition of and response to head
162 trauma and brain injury in a child under 6 years of age.

163 (b) Training that is either focused on serving a specific
164 population, including, but not limited to, medically fragile
165 children, sexually exploited children, children under 3 years of
166 age, or families with a history of domestic violence, mental
167 illness, or substance abuse, or focused on performing certain
168 aspects of child protection practice, including, but not limited
169 to, investigation techniques and analysis of family dynamics.
170 The specialized training may be used to fulfill continuing
171 education requirements under s. 402.40(3)(e). Individuals hired
172 before July 1, 2014, shall complete the specialized training by
173 June 30, 2016, and individuals hired on or after July 1, 2014,
174 shall complete the specialized training within 2 years after

175 hire. An individual may receive specialized training in multiple
176 areas.

177 (4) ATTORNEYS EMPLOYED BY THE DEPARTMENT TO HANDLE CHILD
178 WELFARE CASES.—Attorneys hired on or after July 1, 2014, whose
179 primary responsibility is representing the department in child
180 welfare cases shall, within the first 6 months of employment,
181 receive training in all of the following:

182 (a) The dependency court process, including the attorney's
183 role in preparing and reviewing documents prepared for
184 dependency court for accuracy and completeness;

185 (b) Preparing and presenting child welfare cases,
186 including at least 1 week shadowing an experienced children's
187 legal services attorney preparing and presenting cases;

188 (c) Safety assessment, safety decisionmaking tools, and
189 safety plans;

190 (d) Developing information presented by investigators and
191 case managers to support decisionmaking in the best interest of
192 children; and

193 (e) The experiences and techniques of case managers and
194 investigators, including shadowing an experienced child
195 protective investigator and an experienced case manager for at
196 least 8 hours.

197 (f) The recognition of and response to head trauma and
198 brain injury in a child under 6 years of age.

199 Section 6. Paragraph (f) of subsection (1) and subsection

200 (3) of section 409.988, Florida Statutes, is amended to read:

201 409.988 Lead agency duties; general provisions.—

202 (1) DUTIES.—A lead agency:

203 (f) Shall ensure that all individuals providing care for
 204 dependent children receive appropriate training and meet the
 205 minimum employment standards established by the department.

206 Appropriate training shall include, but not be limited to,
 207 training on the recognition of and response to head trauma and
 208 brain injury in a child under 6 years of age.

209 (3) SERVICES.—A lead agency must provide dependent
 210 children with services that are supported by research or that
 211 are recognized as best practices in the child welfare field. The
 212 agency shall give priority to the use of services that are
 213 evidence-based and trauma-informed and may also provide other
 214 innovative services, including, but not limited to, family-
 215 centered and cognitive-behavioral interventions designed to
 216 mitigate out-of-home placements. ~~and intensive family~~
 217 reunification services that combine child welfare and mental
 218 health services for families with dependent children under 6
 219 years of age.

220 Section 7. Section 409.996, Florida Statutes, is amended
 221 to read:

222 409.996 Duties of the Department of Children and
 223 Families.—The department shall contract for the delivery,
 224 administration, or management of care for children in the child

225 protection and child welfare system. In doing so, the department
226 retains responsibility for the quality of contracted services
227 and programs and shall ensure that services are delivered in
228 accordance with applicable federal and state statutes and
229 regulations.

230 (24) The department and the lead agency or agencies
231 serving the circuit or circuits selected for implementation
232 shall create a program in collaboration to more effectively
233 provide case management services for dependent children under 6
234 years of age.

235 (a) The department shall select up to 3 circuits in
236 which to develop and implement a program under this subsection.
237 Priority shall be given to a circuit that currently has a high
238 removal rate, significant budget deficit, significant case
239 management turnover rate, and the highest numbers of children in
240 out of home care or significant increases in the number of
241 children in out of home care over the last 3 fiscal years.

242 (b) The program shall include:

243 1. Caseloads for dependency case managers limited to
244 children who are under age 6, except as provided in paragraph
245 (c). Such caseloads shall be limited to a maximum of 15 children,
246 if possible.

247 2. Case managers who are trained specifically in:

248 a. Critical child development for children under 6 years of
249 age.

250 b. Specific practices of child care for children under 6
 251 years of age.

252 c. The scope of community resources available to children
 253 ages under 6 years of age.

254 d. Working with a parent and assisting him or her in
 255 developing the skills necessary to care for the child's health,
 256 safety, and well-being.

257 (c) Any child being served through the program created
 258 under this subsection who has a sibling who is also dependent may
 259 be assigned to the same case manager as the child being served,
 260 but each sibling shall be counted toward the caseload maximum.

261 (d) The department shall evaluate the permanency, safety,
 262 and well-being of children being served under this subsection and
 263 shall submit a report to the Governor, President of the Senate,
 264 and Speaker of the House of Representatives regarding its
 265 findings by October 1, 2024.

266 Section 8. Section 943.17297, Florida Statutes, is created
 267 to read:

268 943.17297 Training in the recognition of and response to
 269 head trauma and brain injury.— The commission shall establish
 270 standards for the instruction of law enforcement officers in the
 271 subject of recognition of and response to head trauma and brain
 272 injury in a child under 6 years of age to aid an officer in the
 273 detection of head trauma and brain injury due to child abuse.
 274 Each law enforcement officer must successfully complete the

275 training as part of the basic recruit training for a law
276 enforcement officer as required in s. 943.13(9) or as a part of
277 continuing training or education required in s. 943.135(1). The
278 standards for the training required under this section shall be
279 established no later than June 30, 2021.

280 Section 9. This act shall take effect July 1, 2019.