



**State of Florida  
Department of Children and Families**

**Rick Scott**  
Governor


**Mike Carroll**  
Secretary

---

**DATE:** August 5, 2016

**TO:** Regional Managing Directors  
Community-Based Care Lead Agency CEOs

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

**FROM:** JoShonda Guerrier, Assistant Secretary for Child Welfare   
Vicki Abrams, Assistant Secretary for Operations 

**SUBJECT:** 2016 Legislative Changes Related to Child Well-Being

---

**\*\*\*INFORMATIONAL MEMORANDUM\*\*\***

**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 2016 Legislative Session, five bills were passed that may have an impact on the well-being of children and families we serve. These bills address a wide variety of issues, including education, mental health, adoption and autism. A few of the changes include:

- the requirement for a school district to provide preferential treatment in its open enrollment process for children in foster care who have changed placements;
- the ability for children in foster care who have changed schools due to a change in placement to participate in a sport, even if the student participated in that same sport at another school during the year;
- eligibility exemptions for children in foster care to receive the McKay scholarship;
- amendments to the factors a court must consider in determining whether the best interests of the child are served by transferring custody to a prospective adoptive parent chosen by the parent or adoptive entity; and
- the provision that a professional (such as a special education instructor, mental health counselor, etc.) may be present when Law Enforcement is interviewing a person with autism.

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

---

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

**ACTION REQUESTED:** Please widely circulate the attached “quick guide” that provides information on the five bills that may impact the well-being of children and families we serve. This guide may also be found on Florida’s Center for Child Welfare under Legislative Changes, 2016 Session ([centerforchildwelfare.org](http://centerforchildwelfare.org)).

**CONTACT INFORMATION:** If you require additional information or have questions please contact Jane McElroy at [jane.mcelroy@myflfamilies.com](mailto:jane.mcelroy@myflfamilies.com).

**ATTACHMENT**

“2016 Legislative Changes for Child Welfare Professionals” Quick Guide

cc: Grainne O’Sullivan, Director, Children’s Legal Services  
Vicki Abrams, Assistant Secretary for Operations  
David L. Fairbanks, Deputy Secretary  
Regional Family and Community Services Directors  
Center for Child Welfare



# 2016 Legislative Changes for Child Welfare Professionals

A number of bills that the Legislature passed during the 2016 Legislative Session **became law on July 1, 2016.**  
 Five of the bills include information that may impact the well-being of children or families we serve.  
 An outline of the changes included in each bill is listed within this quick guide.

## **HB 7029 – School Choice (Chapter 2016-237, Laws of Florida)**

- 1) **Amends s. 1002.31(2)(c), F.S.,** requiring each school district to provide preferential treatment in its controlled open enrollment process to all children who have been relocated due to a foster care placement in a different school zone
- 2) **Amends s. 1002.31(6)(b), F.S.,** allowing children who have been relocated due to a foster care placement in a different school zone to participate in a sport even if the student participated in that same sport at another school during the school year



## **HB 837 - Educational Programs for Individuals with Disabilities**

**(Chapter 2016-137, Laws of Florida)**

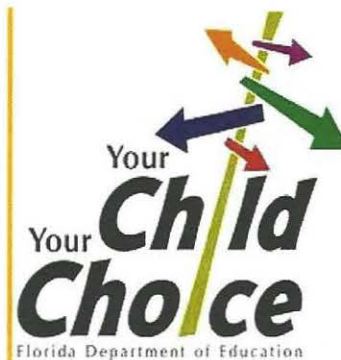
- For determining student eligibility for a McKay Scholarship, this new law exempts foster children from the requirement of having attended a public school during the prior school year.

(NOTE: A child who has a disability may be eligible for a McKay Scholarship that will allow him or her to transfer to a private school. This would apply to all dependent children who are disabled.)

- Authorizes a private school to establish a transition-to-work program for McKay students
- Enables students eligible for the McKay Scholarship to take virtual courses without reducing the scholarship amount

### **The law expands services provided to home education program students, including students with disabilities:**

- Requires the Department of Education to make testing and evaluation diagnostic services available to home education program students at diagnostic and resource centers
- Authorizes school districts to provide exceptional student education-related services to home education program students with disabilities eligible for the services who enroll in a public school solely for the purpose of receiving such services, and requires the districts to report such students for full-time equivalent funding



## **HB 439 – Mental Health Services in Criminal Justice System**

**(Chapter 2016-127,  
Laws of Florida)**

- Amends s. 39.001(6), F.S., to include mental health services with substance abuse services for children and parents involved in the dependency system
- Authorizes dependency courts to require persons having or seeking custody of a child to participate in certain mental health programs
- Expands eligibility criteria for defendants to participate in diversionary programs to include children in dependency court

**Read more under  
“Legislative Changes” at the  
[centerforchildwelfare.org](http://centerforchildwelfare.org).**





## **SB 590 - Adoption Intervention** (Chapter 2016-71, Laws of Florida)

- Requires the court to provide written notice to a parent of his or her right to participate in a private adoption plan earlier in the process than currently required by law. (NOTE: This may cause the Department to see an increase in the number of interventions.)
- Amends the factors a court must consider in determining whether the best interests of the child are served by transferring custody to a prospective adoptive parent chosen by the parent or adoptive entity to include:
  - the permanency offered,
  - the established bonded relationship of the child and the current caregiver in any potential adoptive home in which the child is residing,
  - the stability of the potential adoptive home in which the child has been residing as well as the desirability of maintaining continuity of placement,
  - the importance of maintaining sibling relationships,
  - the reasonable preferences and wishes of the child if the court deems the child to be of sufficient maturity, understanding and experience to express a preference,
  - whether a petition for termination of parental rights has been filed pursuant to s. 39.806(1)(f), (g), or (h), F.S.,
  - what is best for the child, and
  - the rights of the parent based on the well-being of the child.

(CLS will expect the case manager to be prepared to address these factors at the hearing.)

- Allows the court to consider the best interests of a child when making a determination of a child's change in placement instead of solely whether the change in placement is appropriate

### **Quick Reference Links**

House Bill 7029 –  
<http://laws.flrules.org/2016/237>

House Bill 837 –  
<http://laws.flrules.org/2016/137>

House Bill 439 –  
<http://laws.flrules.org/2016/127>

Senate Bill 590 –  
<http://laws.flrules.org/2016/71>

Senate Bill 936 –  
<http://laws.flrules.org/2016/175>

## **SB 936 - Law Enforcement Interviews Involving Persons with Autism (Chapter 2016-175, Laws of Florida)**

- Provides that a law enforcement officer, correctional officer or public safety officer shall, upon the request of an individual with autism or his or her parent or guardian, make a good faith effort to ensure that a psychiatrist, psychologist, mental health counselor, special education instructor, clinical social worker, or related professional is present at all interviews of the individual.
- Provides qualifications the professional must have to serve in this capacity.
- Allows an identification card to be issued with a capital "D" upon request of a person who has a developmental disability of by a parent or guardian of a child with a disability.



NOTE: The Child Protection Team in collaboration with the Office of Child Welfare will work with the Department of Education to possibly identify staff who currently work with a child with autism who could be present at the child's interview with Law Enforcement.

For additional information, please contact [jane.mcelroy@myflfamilies.com](mailto:jane.mcelroy@myflfamilies.com).