

1 A bill to be entitled

2 An act relating to the temporary care of a child;
3 creating s. 409.1761, F.S.; providing legislative
4 findings; authorizing qualified nonprofit
5 organizations to establish programs to provide
6 temporary respite care for children; providing
7 definitions; providing registration and recordkeeping
8 requirements for such organizations and the Department
9 of Children and Families; exempting such organizations
10 from specified licensure requirements; providing
11 personnel screening requirements for certain persons;
12 authorizing a parent to enter into a contract for care
13 to provide temporary respite care for a child;
14 specifying the form and execution of the contract;
15 authorizing inspection of documents by the department;
16 providing eligibility; authorizing the department to
17 refer a child for such care; providing applicability;
18 providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Section 409.1761, Florida Statutes, is created
23 to read:

24 409.1761 Organizations providing respite care for children
25 not in the child welfare system.—The Legislature finds that in

26 | circumstances in which a parent of a minor child is temporarily
27 | unable to provide care for the child, but does not need the full
28 | support of the child welfare system, a less intrusive
29 | alternative to supervision by the department or involvement by
30 | the judiciary should be available. A qualified nonprofit
31 | organization may establish a program to assist parents in
32 | providing temporary respite care for a child by a volunteer
33 | respite family.

34 | (1) DEFINITIONS.—As used in this section, the term:

35 | (a) "Parent" means the parent or parents who are required
36 | to sign the contract for care under subparagraph (5) (a)1.

37 | (b) "Qualified nonprofit organization" or "organization"
38 | means a private Florida nonprofit organization that assists
39 | parents by providing temporary respite care for children by
40 | volunteer respite families that are under a contract for care.
41 | The organization shall provide assistance and support to parents
42 | and training and support for volunteer respite families.

43 | (c) "Volunteer respite family" means an individual or a
44 | family who voluntarily agrees to provide, without compensation,
45 | temporary respite care for a child, with the assistance of a
46 | qualified nonprofit organization, pursuant to a contract for
47 | care with the child's parent.

48 | (d) "Volunteer respite home" means the home of a volunteer
49 | respite family.

50 | (2) REGISTRATION.—

51 (a) The organization must register with the department
52 annually by filing with the department:

53 1. The name, address, telephone number, e-mail address,
54 and other contact information of the organization.

55 2. The name of the organization's director.

56 3. The names and addresses of the officers and members of
57 the governing body of the organization.

58 4. A description of the methods used by the organization
59 to recruit, train, and support volunteer respite families in
60 providing temporary respite care for children and the standards
61 used for evaluating whether a volunteer respite home is safe for
62 children.

63 5. If the organization provides volunteer respite family
64 services in affiliation with another entity, including the use
65 of another entity's volunteer respite family program model,
66 provide the entity's name, address, telephone number, e-mail
67 address, and other contact information; a description of the
68 program model; and documentation that the organization is in
69 compliance with the minimum standards of the program model.

70 6. An attestation, with supporting documentation, that the
71 employees and volunteers of the organization are in compliance
72 with the personnel screening requirements in subsection (4).

73 7. An attestation, with supporting documentation, that the
74 volunteer respite families are in compliance with the personnel
75 screening requirements in subsection (4), and that the

76 organization has inspected the volunteer respite homes and
 77 considers the homes safe for the placement of children.

78 8. The total number of volunteer respite families working
 79 with the organization, the total number of children the
 80 organization is able to serve, and the total number of children
 81 the organization currently serves in this program.

82 (b) The department shall develop a registration system,
 83 maintain a registration record on each organization, and issue a
 84 registration number to each organization that meets the
 85 registration requirements in this subsection. The department
 86 shall maintain each registration record for at least 2 years.

87 (c) Each organization shall maintain information about
 88 each volunteer respite family and child served, including, but
 89 not limited to:

90 1. The name and age of the child.

91 2. The name, address, telephone numbers, e-mail address,
 92 and other contact information of the child's parent.

93 3. The name, address, telephone numbers, e-mail address,
 94 and other contact information of the child's volunteer respite
 95 family.

96 4. A copy of the contract for respite care executed
 97 pursuant to subsection (5).

98 5. Proof of the volunteer respite family's compliance with
 99 the personnel screening requirements in subsection (4).

100 (d) The department may access and inspect the

101 organization's records maintained pursuant to this subsection at
102 any time to ensure compliance with this section and may inspect
103 the standards established by any entity with which the
104 organization is affiliated pursuant to subparagraph (2)(a)5.

105 (3) EXEMPTION FROM LICENSURE.—The licensing provisions in
106 s. 409.175 do not apply to a volunteer respite home or an
107 organization registered under this section unless the
108 organization attempts to place or arrange for the placement of a
109 child as provided in s. 409.175. However, such home or
110 organization shall meet the personnel screening requirements in
111 subsection (4).

112 (a) An organization registered under this section shall
113 make every effort to accept or place a child with a volunteer
114 respite family that is qualified or able to adequately care for
115 the child, taking into consideration the child's disabilities,
116 health conditions, and behavioral and emotional challenges. If
117 the organization chooses not to accept or place a child with a
118 volunteer respite family due to the inability of any volunteer
119 respite family to meet the child's needs, the organization shall
120 assist the parent in finding community-based assistance that
121 will meet the child's needs.

122 (b) Chapters 39 and 827, relating to the reporting of
123 child abuse, abandonment, and neglect, apply to an organization
124 registered under this section.

125 (4) PERSONNEL SCREENING REQUIREMENTS.—The department shall

126 attest to the good moral character of the personnel of the
127 organization and members of the volunteer respite home by
128 conducting background screening in compliance with the screening
129 requirements in s. 409.175 and chapter 435. Persons required to
130 be screened pursuant to this section include:

131 (a) Employees of the organization who have direct contact
132 with children while assisting parents in providing temporary
133 respite care.

134 (b) Members of the volunteer respite family or persons
135 residing in the volunteer respite home who are older than 12
136 years of age. However, members of a volunteer respite family or
137 persons residing in the volunteer respite home who are between
138 the ages of 12 years and 18 years are not required to be
139 fingerprinted but must be screened for delinquency records.

140 (c) A volunteer who assists on an intermittent basis for
141 fewer than 10 hours per month is not required to be screened if
142 he or she is always accompanied by and in the line of sight of a
143 person who meets the screening requirements in this subsection.

144 (5) CONTRACT FOR CARE.—Before a volunteer respite family
145 cares for a child, the child's parent must enter into a written
146 contract for care with the volunteer respite family. Under a
147 contract for care, the parent may delegate to the volunteer
148 respite family any of the powers regarding the care and custody
149 of the child, except the power to consent to the marriage or
150 adoption of the child, the performance of or inducement of an

151 abortion on or for the child, or the termination of parental
152 rights to the child. Authorization for the volunteer respite
153 family to consent to routine and emergency medical care on
154 behalf of the parent shall be granted only upon the separate
155 consent of the parent pursuant to s. 743.0645.

156 (a) The contract for care must at a minimum:

157 1. Be signed by the parent or both parents if both parents
158 are living and have shared responsibility and timesharing of the
159 child pursuant to law or a court order. If the parents do not
160 have shared responsibility and timesharing of the child, the
161 parent having sole custody of the child has the authority to
162 enter into the contract for care but shall notify the
163 noncustodial parent in writing of the name and address of the
164 volunteer respite family. Such notification must be provided by
165 certified mail, return receipt requested, to the noncustodial
166 parent at his or her last known address within 5 days after the
167 contract for care is signed. Notification to a noncustodial
168 parent whose parental rights have been terminated is not
169 required.

170 2. Be signed by all members of the volunteer respite
171 family who are 18 years of age or older.

172 3. Be signed by a representative of the organization who
173 assisted with the child's placement with the volunteer respite
174 family.

175 4. Be signed by two subscribing witnesses.

176 5. Be acknowledged by the parent or parents, as applicable
177 under subparagraph 1., and the representative of the qualified
178 nonprofit organization before a notary public.

179 (b) The contract for care must include:

180 1. A statement that the contract does not deprive the
181 parent of any parental or legal authority regarding the care and
182 custody of the child or supersede a court order regarding the
183 care and custody of the child.

184 2. A statement that the contract may be revoked or
185 withdrawn at any time by the parent and that custody of the
186 child shall be returned to the parent as soon as reasonably
187 possible.

188 3. The basic services and accommodations provided by the
189 volunteer respite family and organization.

190 4. Identification of the child, the parent, and the
191 members of the volunteer respite family, including contact
192 information for all parties.

193 5. Identification of the organization, including contact
194 information for the organization and the organization's primary
195 contact person.

196 6. A statement regarding disciplinary procedures that are
197 used by the volunteer respite family and expectations regarding
198 interactions between the volunteer respite family and the child,
199 including any known behavioral or emotional issues, and how such
200 issues are currently addressed by the child's parent.

201 7. A statement of the minimum expected frequency of
202 contact between the parent and the child, expectations for the
203 volunteer respite family to facilitate any reasonable request
204 for contact with the child outside of the established schedule,
205 and the minimum expected frequency of contact between the parent
206 and the volunteer respite family to discuss the child's well-
207 being and health.

208 8. A statement regarding the child's educational needs,
209 including the name and address of the child's school and the
210 names of the child's teachers.

211 9. A list of extracurricular, religious, or community
212 activities and programs in which the child participates.

213 10. A list of any special dietary or nutritional
214 requirements of the child.

215 11. A description of the child's medical needs, including
216 any diagnoses, allergies, therapies, treatments, or medications
217 prescribed to the child and the expectations for the volunteer
218 respite family to address such medical needs.

219 12. A statement that the volunteer respite family agrees
220 to act in the best interests of the child and to consider all
221 reasonable wishes and expectations of the parent concerning the
222 care and comfort of the child.

223 13. A statement that all appropriate members of the
224 volunteer respite family have successfully completed the
225 personnel screening requirements pursuant to subsection (4).

226 14. The expiration date of the contract for care, which
227 may not be more than 6 months after the date of execution.

228 15. A statement that the goal of the organization,
229 volunteer respite family, and parent is to return the child
230 receiving temporary respite care to the parent as soon as the
231 situation requiring such care has been resolved.

232 16. A requirement that the volunteer respite family
233 immediately notify the parent of the child's need for medical
234 care.

235 (6) INSPECTION OF DOCUMENTS.—The department may, at any
236 time, inspect any documents held by the organization relating to
237 children placed pursuant to this section.

238 (7) ELIGIBILITY.—A child who has been removed from a
239 parent due to abuse or neglect and placed in the custody of the
240 department is not eligible for temporary respite care pursuant
241 to this section.

242 (8) DUTIES OF DEPARTMENT.—The department may refer a child
243 to an organization under this section if the department
244 determines that the needs of the child or the needs of the
245 child's parent do not require an out-of-home safety plan
246 pursuant to s. 39.301(9) or other formal involvement of the
247 department and that the child and the child's family may benefit
248 from the temporary respite care and services provided by the
249 organization.

250 (9) APPLICABILITY.—Placement of a child under this section

251 without additional evidence does not constitute abandonment,
252 abuse, or neglect, as those terms are defined in s. 39.01, and
253 is not considered to be placement of the child in foster care.
254 However, nothing in this section prevents the department or a
255 law enforcement agency from investigating allegations of
256 abandonment, abuse, neglect, unlawful desertion of a child, or
257 human trafficking.

258 Section 2. This act shall take effect July 1, 2017.