

By the Committees on Judiciary; and Children, Families, and Elder Affairs; and Senator Lynn

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1 A bill to be entitled
2 An act relating to child protection; amending s.
3 39.01, F.S.; revising the definitions of the term
4 "abandoned" or "abandonment," "institutional child
5 abuse or neglect," and "abandons the child within the
6 context of harm"; amending s. 39.013, F.S.; specifying
7 when jurisdiction attaches for a petition for an
8 injunction to prevent child abuse issued pursuant to
9 specified provisions; amending s. 39.0138, F.S.;
10 revising provisions relating to criminal history
11 records check on persons being considered for
12 placement of a child; requiring a records check
13 through the State Automated Child Welfare Information
14 System; providing for an out-of-state criminal history
15 records check of certain persons who have lived out of
16 state if such records may be obtained; amending s.
17 39.201, F.S.; providing procedures for calls from a
18 parent or legal custodian seeking assistance for
19 himself or herself which do not meet the criteria for
20 being a report of child abuse, abandonment, or
21 neglect, but show a potential future risk of harm to a
22 child and requiring a referral if a need for community
23 services exists; specifying that the central abuse
24 hotline is the first step in the safety assessment and
25 investigation process; amending s. 39.205, F.S.;
26 permitting discontinuance of an investigation of child
27 abuse, abandonment, or neglect during the course of
28 the investigation if it is determined that the report
29 was false; amending s. 39.301, F.S.; substituting

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30 references to a standard electronic child welfare case
31 for a master file; revising requirements for such a
32 file; revising requirements for informing the subject
33 of an investigation; deleting provisions relating to a
34 preliminary determination as to whether an
35 investigation report is complete; revising
36 requirements for child protective investigation
37 activities to be performed to determine child safety;
38 specifying uses for certain criminal justice
39 information accesses by child protection
40 investigators; requiring documentation of the present
41 and impending dangers to each child through use of a
42 standardized safety assessment; revising provisions
43 relating to required protective, treatment, and
44 ameliorative services; revising requirements for the
45 Department of Children and Family Service's training
46 program for staff responsible for responding to
47 reports accepted by the central abuse hotline;
48 requiring the department's training program at the
49 regional and district levels to include results of
50 qualitative reviews of child protective investigation
51 cases handled within the region or district; revising
52 requirements for the department's quality assurance
53 program; amending s. 39.302, F.S.; requiring that a
54 protective investigation must include an interview
55 with the child's parent or legal guardian; amending s.
56 39.307, F.S.; requiring the department, contracted
57 sheriff's office providing protective investigation
58 services, or contracted case management personnel

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59 responsible for providing services to adhere to
60 certain procedures relating to reports of child-on-
61 child sexual abuse; deleting a requirement that an
62 assessment of service and treatment needs to be
63 completed within a specified period; amending s.
64 39.504, F.S.; revising provisions relating to the
65 process for seeking a child protective injunction;
66 providing for temporary ex parte injunctions;
67 providing requirements for service on an alleged
68 offender; revising provisions relating to the contents
69 of an injunction; providing for certain relief;
70 providing requirements for notice of a hearing on a
71 motion to modify or dissolve an injunction; providing
72 that a person against whom an injunction is entered
73 does not automatically become a party to a subsequent
74 dependency action concerning the same child unless he
75 or she was a party to the action in which the
76 injunction was entered; amending s. 39.521, F.S.;
77 requiring a home study report if a child has been
78 removed from the home and will be remaining with a
79 parent; substituting references to the State Automated
80 Child Welfare Information System for the Florida Abuse
81 Hotline Information System applicable to records
82 checks; authorizing submission of fingerprints of
83 certain household members; authorizing requests for
84 national criminal history checks and fingerprinting of
85 any visitor to the home known to the department;
86 amending s. 39.6011, F.S.; providing additional
87 options for the court with respect to case plans;

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88 providing for expiration of a child's case plan no
89 later than 12 months after the date the child was
90 adjudicated dependent; conforming a cross-reference to
91 changes made by the act; amending s. 39.621, F.S.;
92 revising terminology relating to permanency
93 determinations; amending s. 39.701, F.S.; providing
94 that a court must schedule a judicial review hearing
95 if the citizen review panel recommends extending the
96 goal of reunification for any case plan beyond 12
97 months from the date the child was adjudicated
98 dependent, unless specified other events occurred
99 earlier; conforming a cross-reference to changes made
100 by the act; amending s. 39.8055, F.S.; requiring the
101 department to file a petition to terminate parental
102 rights within a certain number of days after the
103 completion of a specified period after the child was
104 sheltered or adjudicated dependent, whichever occurs
105 first; amending s. 39.806, F.S.; providing additional
106 criteria for the court to consider when deciding
107 whether to terminate the parental rights of a parent
108 or legal guardian because the parent or legal guardian
109 is incarcerated; increasing the number of months of
110 failure of the parent or parents to substantially
111 comply with a child's case plan in certain
112 circumstances that constitutes evidence of continuing
113 abuse, neglect, or abandonment and grounds for
114 termination of parental rights; revising a cross-
115 reference; clarifying applicability of certain
116 amendments made by the act; amending ss. 39.502,

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117 39.823, and 39.828, F.S.; conforming cross-references
118 to changes made by the act; amending s. 402.56, F.S.;
119 directing the Children and Youth Cabinet to meet at
120 least four times per year rather than six times per
121 year; providing an effective date.

122

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

124

125 Section 1. Subsection (1), paragraph (e) of subsection
126 (32), and subsection (33) of section 39.01, Florida Statutes,
127 are amended to read:

128 39.01 Definitions.—When used in this chapter, unless the
129 context otherwise requires:

130 (1) "Abandoned" or "abandonment" means a situation in which
131 the parent or legal custodian of a child or, in the absence of a
132 parent or legal custodian, the caregiver, while being able, has
133 made ~~makes~~ no significant contribution to the child's care and
134 maintenance or provision for the child's support and has failed
135 to establish or maintain a substantial and positive relationship
136 with the child, or both. For purposes of this subsection,
137 "establish or maintain a substantial and positive relationship"
138 includes, but is not limited to, frequent and regular contact
139 with the child through frequent and regular visitation or
140 frequent and regular communication to or with the child, and the
141 exercise of parental rights and responsibilities. Marginal
142 efforts and incidental or token visits or communications are not
143 sufficient to establish or maintain a substantial and positive
144 relationship with a child. The term does not include a
145 surrendered newborn infant as described in s. 383.50, a "child

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146 in need of services" as defined in chapter 984, or a "family in
147 need of services" as defined in chapter 984. The incarceration,
148 repeated incarceration, or extended incarceration of a parent,
149 legal custodian, or caregiver responsible for a child's welfare
150 may support a finding of abandonment.

151 (32) "Harm" to a child's health or welfare can occur when
152 any person:

153 (e) Abandons the child. Within the context of the
154 definition of "harm," the term "abandoned the child" or
155 "abandonment of the child" means a situation in which the parent
156 or legal custodian of a child or, in the absence of a parent or
157 legal custodian, the caregiver, while being able, has made ~~makes~~
158 no significant contribution to the child's care and maintenance
159 or provision for the child's support and has failed to establish
160 or maintain a substantial and positive relationship with the
161 child, or both. For purposes of this paragraph, "establish or
162 maintain a substantial and positive relationship" includes, but
163 is not limited to, frequent and regular contact with the child
164 through frequent and regular visitation or frequent and regular
165 communication to or with the child, and the exercise of parental
166 rights and responsibilities. Marginal efforts and incidental or
167 token visits or communications are not sufficient to establish
168 or maintain a substantial and positive relationship with a
169 child. The term "abandoned" does not include a surrendered
170 newborn infant as described in s. 383.50, a child in need of
171 services as defined in chapter 984, or a family in need of
172 services as defined in chapter 984. The incarceration, repeated
173 incarceration, or extended incarceration of a parent, legal
174 custodian, or caregiver responsible for a child's welfare may

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175 support a finding of abandonment.

176 (33) "Institutional child abuse or neglect" means
177 situations of known or suspected child abuse or neglect in which
178 the person allegedly perpetrating the child abuse or neglect is
179 an employee of a private school, public or private day care
180 center, residential home, institution, facility, or agency or
181 any other person at such institution responsible for the child's
182 care as defined in subsection (47).

183 Section 2. Subsection (2) of section 39.013, Florida
184 Statutes, is amended to read:

185 39.013 Procedures and jurisdiction; right to counsel.—

186 (2) The circuit court has exclusive original jurisdiction
187 of all proceedings under this chapter, of a child voluntarily
188 placed with a licensed child-caring agency, a licensed child-
189 placing agency, or the department, and of the adoption of
190 children whose parental rights have been terminated under this
191 chapter. Jurisdiction attaches when the initial shelter
192 petition, dependency petition, or termination of parental rights
193 petition, or a petition for an injunction to prevent child abuse
194 issued pursuant to s. 39.504, is filed or when a child is taken
195 into the custody of the department. The circuit court may assume
196 jurisdiction over any such proceeding regardless of whether the
197 child was in the physical custody of both parents, was in the
198 sole legal or physical custody of only one parent, caregiver, or
199 some other person, or was not in the physical or legal custody
200 of any ~~ne~~ person when the event or condition occurred that
201 brought the child to the attention of the court. When the court
202 obtains jurisdiction of any child who has been found to be
203 dependent, the court shall retain jurisdiction, unless

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204 relinquished by its order, until the child reaches 18 years of
205 age. However, if a youth petitions the court at any time before
206 his or her 19th birthday requesting the court's continued
207 jurisdiction, the juvenile court may retain jurisdiction under
208 this chapter for a period not to exceed 1 year following the
209 youth's 18th birthday for the purpose of determining whether
210 appropriate aftercare support, Road-to-Independence Program,
211 transitional support, mental health, and developmental
212 disability services, to the extent otherwise authorized by law,
213 have been provided to the formerly dependent child who was in
214 the legal custody of the department immediately before his or
215 her 18th birthday. If a petition for special immigrant juvenile
216 status and an application for adjustment of status have been
217 filed on behalf of a foster child and the petition and
218 application have not been granted by the time the child reaches
219 18 years of age, the court may retain jurisdiction over the
220 dependency case solely for the purpose of allowing the continued
221 consideration of the petition and application by federal
222 authorities. Review hearings for the child shall be set solely
223 for the purpose of determining the status of the petition and
224 application. The court's jurisdiction terminates upon the final
225 decision of the federal authorities. Retention of jurisdiction
226 in this instance does not affect the services available to a
227 young adult under s. 409.1451. The court may not retain
228 jurisdiction of the case after the immigrant child's 22nd
229 birthday.

230 Section 3. Section 39.0138, Florida Statutes, is amended to
231 read:

232 39.0138 Criminal history and other records checks ~~check~~;

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233 limit on placement of a child.—

234 (1) The department shall conduct a records check through
235 the State Automated Child Welfare Information System (SACWIS)
236 and a local and statewide criminal history records check on all
237 persons, including parents, being considered by the department
238 for placement of a child ~~subject to a placement decision~~ under
239 this chapter, including all nonrelative placement decisions, and
240 all members of the household, 12 years of age and older, of the
241 person being considered, ~~and frequent visitors to the household.~~
242 For purposes of this section, a criminal history records check
243 may include, but is not limited to, submission of fingerprints
244 to the Department of Law Enforcement for processing and
245 forwarding to the Federal Bureau of Investigation for state and
246 national criminal history information, and local criminal
247 records checks through local law enforcement agencies of all
248 household members 18 years of age and older and other visitors
249 to the home. An out-of-state criminal history records check must
250 be initiated for any person 18 years of age or older who resided
251 in another state if that state allows the release of such
252 records. A ~~criminal history records check must also include a~~
253 ~~search of the department's automated abuse information system.~~
254 The department shall establish by rule standards for evaluating
255 any information contained in the automated system relating to a
256 person who must be screened for purposes of making a placement
257 decision.

258 (2) The department may not place a child with a person
259 other than a parent if the criminal history records check
260 reveals that the person has been convicted of any felony that
261 falls within any of the following categories:

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- 262 (a) Child abuse, abandonment, or neglect;
263 (b) Domestic violence;
264 (c) Child pornography or other felony in which a child was
265 a victim of the offense; or
266 (d) Homicide, sexual battery, or other felony involving
267 violence, other than felony assault or felony battery when an
268 adult was the victim of the assault or battery.
- 269 (3) The department may not place a child with a person
270 other than a parent if the criminal history records check
271 reveals that the person has, within the previous 5 years, been
272 convicted of a felony that falls within any of the following
273 categories:
- 274 (a) Assault;
275 (b) Battery; or
276 (c) A drug-related offense.
- 277 (4) The department may place a child in a home that
278 otherwise meets placement requirements if a name check of state
279 and local criminal history records systems does not disqualify
280 the applicant and if the department submits fingerprints to the
281 Department of Law Enforcement for forwarding to the Federal
282 Bureau of Investigation and is awaiting the results of the state
283 and national criminal history records check.
- 284 (5) Persons with whom placement of a child is being
285 considered or approved must disclose to the department any prior
286 or pending local, state, or national criminal proceedings in
287 which they are or have been involved.
- 288 (6) The department may examine the results of any criminal
289 history records check of any person, including a parent, with
290 whom placement of a child is being considered under this

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291 section. The complete criminal history records check must be
292 considered when determining whether placement with the person
293 will jeopardize the safety of the child being placed.

294 (7) (a) The court may review a decision of the department to
295 grant or deny the placement of a child based upon information
296 from the criminal history records check. The review may be upon
297 the motion of any party, the request of any person who has been
298 denied a placement by the department, or on the court's own
299 motion. The court shall prepare written findings to support its
300 decision in this matter.

301 (b) A person who is seeking placement of a child but is
302 denied the placement because of the results of a criminal
303 history records check has the burden of setting forth sufficient
304 evidence of rehabilitation to show that the person will not
305 present a danger to the child if the placement of the child is
306 allowed. Evidence of rehabilitation may include, but is not
307 limited to, the circumstances surrounding the incident providing
308 the basis for denying the application, the time period that has
309 elapsed since the incident, the nature of the harm caused to the
310 victim, whether the victim was a child, the history of the
311 person since the incident, whether the person has complied with
312 any requirement to pay restitution, and any other evidence or
313 circumstances indicating that the person will not present a
314 danger to the child if the placement of the child is allowed.

315 Section 4. Paragraph (a) of subsection (2) and subsection
316 (4) of section 39.201, Florida Statutes, are amended to read:

317 39.201 Mandatory reports of child abuse, abandonment, or
318 neglect; mandatory reports of death; central abuse hotline.—

319 (2) (a) Each report of known or suspected child abuse,

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320 abandonment, or neglect by a parent, legal custodian, caregiver,
321 or other person responsible for the child's welfare as defined
322 in this chapter, except those solely under s. 827.04(3), and
323 each report that a child is in need of supervision and care and
324 has no parent, legal custodian, or responsible adult relative
325 immediately known and available to provide supervision and care
326 shall be made immediately to the department's central abuse
327 hotline. Such reports may be made on the single statewide toll-
328 free telephone number or via fax or web-based report. Personnel
329 at the department's central abuse hotline shall determine if the
330 report received meets the statutory definition of child abuse,
331 abandonment, or neglect. Any report meeting one of these
332 definitions shall be accepted for the protective investigation
333 pursuant to part III of this chapter. Any call received from a
334 parent or legal custodian seeking assistance for himself or
335 herself which does not meet the criteria for being a report of
336 child abuse, abandonment, or neglect may be accepted by the
337 hotline for response to ameliorate a potential future risk of
338 harm to a child. If it is determined by a child welfare
339 professional that a need for community services exists, the
340 department shall refer the parent or legal custodian for
341 appropriate voluntary community services.

342 (4) The department shall operate ~~establish~~ and maintain a
343 central abuse hotline to receive all reports made pursuant to
344 this section in writing, via fax, via web-based reporting, or
345 through a single statewide toll-free telephone number, which any
346 person may use to report known or suspected child abuse,
347 abandonment, or neglect at any hour of the day or night, any day
348 of the week. The central abuse hotline is the first step in the

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349 safety assessment and investigation process. The central abuse
350 hotline shall be operated in such a manner as to enable the
351 department to:

352 (a) Immediately identify and locate prior reports or cases
353 of child abuse, abandonment, or neglect through utilization of
354 the department's automated tracking system.

355 (b) Monitor and evaluate the effectiveness of the
356 department's program for reporting and investigating suspected
357 abuse, abandonment, or neglect of children through the
358 development and analysis of statistical and other information.

359 (c) Track critical steps in the investigative process to
360 ensure compliance with all requirements for any report of abuse,
361 abandonment, or neglect.

362 (d) Maintain and produce aggregate statistical reports
363 monitoring patterns of child abuse, child abandonment, and child
364 neglect. The department shall collect and analyze child-on-child
365 sexual abuse reports and include the information in aggregate
366 statistical reports.

367 (e) Serve as a resource for the evaluation, management, and
368 planning of preventive and remedial services for children who
369 have been subject to abuse, abandonment, or neglect.

370 (f) Initiate and enter into agreements with other states
371 for the purpose of gathering and sharing information contained
372 in reports on child maltreatment to further enhance programs for
373 the protection of children.

374 Section 5. Subsections (3) and (5) of section 39.205,
375 Florida Statutes, are amended to read:

376 39.205 Penalties relating to reporting of child abuse,
377 abandonment, or neglect.—

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378 (3) A person who knowingly and willfully makes public or
379 discloses any confidential information contained in the central
380 abuse hotline or in the records of any child abuse, abandonment,
381 or neglect case, except as provided in this chapter, commits ~~is~~
382 ~~guilty of~~ a misdemeanor of the second degree, punishable as
383 provided in s. 775.082 or s. 775.083.

384 (5) If the department or its authorized agent has
385 determined during the course of ~~after~~ its investigation that a
386 report is a false report, the department may discontinue all
387 investigative activities and shall, with the consent of the
388 alleged perpetrator, refer the report to the local law
389 enforcement agency having jurisdiction for an investigation to
390 determine whether sufficient evidence exists to refer the case
391 for prosecution for filing a false report as defined in s.
392 39.01. During the pendency of the investigation, the department
393 must notify the local law enforcement agency of, and the local
394 law enforcement agency must respond to, all subsequent reports
395 concerning children in that same family in accordance with s.
396 39.301. If the law enforcement agency believes that there are
397 indicators of abuse, abandonment, or neglect, it must
398 immediately notify the department, which must ensure the safety
399 of the children. If the law enforcement agency finds sufficient
400 evidence for prosecution for filing a false report, it must
401 refer the case to the appropriate state attorney for
402 prosecution.

403 Section 6. Section 39.301, Florida Statutes, is amended to
404 read:

405 39.301 Initiation of protective investigations.—

406 (1) Upon receiving a report of known or suspected child

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407 abuse, abandonment, or neglect, or that a child is in need of
408 supervision and care and has no parent, legal custodian, or
409 responsible adult relative immediately known and available to
410 provide supervision and care, the central abuse hotline shall
411 determine if the report requires an immediate onsite protective
412 investigation. For reports requiring an immediate onsite
413 protective investigation, the central abuse hotline shall
414 immediately notify the department's designated district staff
415 responsible for protective investigations to ensure that an
416 onsite investigation is promptly initiated. For reports not
417 requiring an immediate onsite protective investigation, the
418 central abuse hotline shall notify the department's designated
419 district staff responsible for protective investigations in
420 sufficient time to allow for an investigation. At the time of
421 notification, the central abuse hotline shall also provide
422 information to district staff on any previous report concerning
423 a subject of the present report or any pertinent information
424 relative to the present report or any noted earlier reports.

425 (2) (a) The department shall immediately forward allegations
426 of criminal conduct to the municipal or county law enforcement
427 agency of the municipality or county in which the alleged
428 conduct has occurred.

429 (b) As used in this subsection, the term "criminal conduct"
430 means:

431 1. A child is known or suspected to be the victim of child
432 abuse, as defined in s. 827.03, or of neglect of a child, as
433 defined in s. 827.03.

434 2. A child is known or suspected to have died as a result
435 of abuse or neglect.

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436 3. A child is known or suspected to be the victim of
437 aggravated child abuse, as defined in s. 827.03.

438 4. A child is known or suspected to be the victim of sexual
439 battery, as defined in s. 827.071, or of sexual abuse, as
440 defined in s. 39.01.

441 5. A child is known or suspected to be the victim of
442 institutional child abuse or neglect, as defined in s. 39.01,
443 and as provided for in s. 39.302(1).

444 6. A child is known or suspected to be a victim of human
445 trafficking, as provided in s. 787.06.

446 (c) Upon receiving a written report of an allegation of
447 criminal conduct from the department, the law enforcement agency
448 shall review the information in the written report to determine
449 whether a criminal investigation is warranted. If the law
450 enforcement agency accepts the case for criminal investigation,
451 it shall coordinate its investigative activities with the
452 department, whenever feasible. If the law enforcement agency
453 does not accept the case for criminal investigation, the agency
454 shall notify the department in writing.

455 (d) The local law enforcement agreement required in s.
456 39.306 shall describe the specific local protocols for
457 implementing this section.

458 (3) The department shall maintain a single, standard
459 electronic child welfare case ~~master~~ file for each child whose
460 report is accepted by the central abuse hotline for
461 investigation. Such file must contain information concerning all
462 reports received by the abuse hotline concerning that child and
463 all services received by that child and family. The file must be
464 made available to any department staff, agent of the department,

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465 or contract provider given responsibility for conducting a
466 protective investigation.

467 (4) To the extent practical, all protective investigations
468 involving a child shall be conducted or the work supervised by a
469 single individual in order for there to be broad knowledge and
470 understanding of the child's history. When a new investigator is
471 assigned to investigate a second and subsequent report involving
472 a child, a multidisciplinary staffing shall be conducted which
473 includes new and prior investigators, their supervisors, and
474 appropriate private providers in order to ensure that, to the
475 extent possible, there is coordination among all parties. The
476 department shall establish an internal operating procedure that
477 ensures that all required investigatory activities, including a
478 review of the child's complete investigative and protective
479 services history, are completed by the investigator, reviewed by
480 the supervisor in a timely manner, and signed and dated by both
481 the investigator and the supervisor.

482 (5) (a) Upon commencing an investigation under this part,
483 the child protective investigator shall inform any subject of
484 the investigation of the following:

485 1. The names of the investigators and identifying
486 credentials from the department.

487 2. The purpose of the investigation.

488 3. The right to obtain his or her own attorney and ways
489 that the information provided by the subject may be used.

490 4. The possible outcomes and services of the department's
491 response ~~shall be explained to the parent or legal custodian.~~

492 5. The right of the parent or legal custodian to be engaged
493 ~~involved~~ to the fullest extent possible in determining the

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494 nature of the allegation and the nature of any identified
495 problem and the remedy.

496 6. The duty of the parent or legal custodian to report any
497 change in the residence or location of the child to the
498 investigator and that the duty to report continues until the
499 investigation is closed.

500 (b) The investigator shall ~~department's training program~~
501 ~~shall ensure that protective investigators know how to~~ fully
502 inform parents or legal custodians of their rights and options,
503 including opportunities for audio or video recording of
504 investigators' interviews with parents or legal custodians or
505 children.

506 (6) Upon commencing an investigation under this part, if a
507 report was received from a reporter under s. 39.201(1)(b), the
508 protective investigator must provide his or her contact
509 information to the reporter within 24 hours after being assigned
510 to the investigation. The investigator must also advise the
511 reporter that he or she may provide a written summary of the
512 report made to the central abuse hotline to the investigator
513 which shall become a part of the electronic child welfare case
514 ~~master~~ file.

515 (7) An assessment of safety risk and the perceived needs
516 for the child and family shall be conducted in a manner that is
517 sensitive to the social, economic, and cultural environment of
518 the family. This assessment must include a face-to-face
519 interview with the child, other siblings, parents, and other
520 adults in the household and an onsite assessment of the child's
521 residence.

522 (8) Protective investigations shall be performed by the

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523 department or its agent.

524 ~~(9) The person responsible for the investigation shall make~~
525 ~~a preliminary determination as to whether the report is~~
526 ~~complete, consulting with the attorney for the department when~~
527 ~~necessary. In any case in which the person responsible for the~~
528 ~~investigation finds that the report is incomplete, he or she~~
529 ~~shall return it without delay to the person or agency~~
530 ~~originating the report or having knowledge of the facts, or to~~
531 ~~the appropriate law enforcement agency having investigative~~
532 ~~jurisdiction, and request additional information in order to~~
533 ~~complete the report; however, the confidentiality of any report~~
534 ~~filed in accordance with this chapter shall not be violated.~~

535 ~~(a) If it is determined that the report is complete, but~~
536 ~~the interests of the child and the public will be best served by~~
537 ~~providing the child care or other treatment voluntarily accepted~~
538 ~~by the child and the parents or legal custodians, the protective~~
539 ~~investigator may refer the parent or legal custodian and child~~
540 ~~for such care or other treatment.~~

541 ~~(b) If it is determined that the child is in need of the~~
542 ~~protection and supervision of the court, the department shall~~
543 ~~file a petition for dependency. A petition for dependency shall~~
544 ~~be filed in all cases classified by the department as high-risk.~~
545 ~~Factors that the department may consider in determining whether~~
546 ~~a case is high-risk include, but are not limited to, the young~~
547 ~~age of the parents or legal custodians; the use of illegal~~
548 ~~drugs; the arrest of the parents or legal custodians on charges~~
549 ~~of manufacturing, processing, disposing of, or storing, either~~
550 ~~temporarily or permanently, any substances in violation of~~
551 ~~chapter 893; or domestic violence.~~

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552 ~~(c) If a petition for dependency is not being filed by the~~
553 ~~department, the person or agency originating the report shall be~~
554 ~~advised of the right to file a petition pursuant to this part.~~

555 (9)-(10)(a) For each report received from the central abuse
556 hotline and accepted for investigation that meets one or more of
557 the following criteria, the department or the sheriff providing
558 child protective investigative services under s. 39.3065, shall
559 perform the following an-onsite child protective investigation
560 activities to determine child safety:

561 1. Conduct a review of all relevant, available information
562 specific to the child and family and alleged maltreatment;
563 family child welfare history; local, state, and federal criminal
564 records checks; and requests for law enforcement assistance
565 provided by the abuse hotline. Based on a review of available
566 information, including the allegations in the current report, a
567 determination shall be made as to whether immediate consultation
568 should occur with law enforcement, the child protection team, a
569 domestic violence shelter or advocate, or a substance abuse or
570 mental health professional. Such consultations should include
571 discussion as to whether a joint response is necessary and
572 feasible. A determination shall be made as to whether the person
573 making the report should be contacted before the face-to-face
574 interviews with the child and family members. A report for which
575 ~~there is obvious compelling evidence that no maltreatment~~
576 ~~occurred and there are no prior reports containing some~~
577 ~~indicators or verified findings of abuse or neglect with respect~~
578 ~~to any subject of the report or other individuals in the home. A~~
579 ~~prior report in which an adult in the home was a victim of abuse~~
580 ~~or neglect before becoming an adult does not exclude a report~~

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581 otherwise meeting the criteria of this subparagraph from the
582 onsite child protective investigation provided for in this
583 subparagraph. The process for an onsite child protective
584 investigation stipulated in this subsection may not be conducted
585 if an allegation meeting the criteria of this subparagraph
586 involves physical abuse, sexual abuse, domestic violence,
587 substance abuse or substance exposure, medical neglect, a child
588 younger than 3 years of age, or a child who is disabled or lacks
589 communication skills.

590 2. Conduct A report concerning an incident of abuse which
591 is alleged to have occurred 2 or more years prior to the date of
592 the report and there are no other indicators of risk to any
593 child in the home.

594 (b) ~~The onsite child protective investigation to be~~
595 ~~performed shall include a face-to-face~~ interviews ~~interview~~ with
596 the child; other siblings, if any; and the parents, legal
597 custodians, or caregivers.; ~~and other adults in the household~~
598 ~~and an onsite assessment of the child's residence in order to:~~

599 3.1. Assess the child's residence, including a
600 determination of ~~Determine~~ the composition of the family and ~~or~~
601 household, including the name, address, date of birth, social
602 security number, sex, and race of each child named in the
603 report; any siblings or other children in the same household or
604 in the care of the same adults; the parents, legal custodians,
605 or caregivers; and any other adults in the same household.

606 4.2. Determine whether there is any indication that any
607 child in the family or household has been abused, abandoned, or
608 neglected; the nature and extent of present or prior injuries,
609 abuse, or neglect, and any evidence thereof; and a determination

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610 as to the person or persons apparently responsible for the
611 abuse, abandonment, or neglect, including the name, address,
612 date of birth, social security number, sex, and race of each
613 such person.

614 5.3. Complete assessment of immediate child safety for
615 Determine the immediate and long-term risk to each child based
616 on available records, interviews, and observations with all
617 persons named in subparagraph 2. and appropriate collateral
618 contacts, which may include other professionals by conducting
619 state and federal records checks, including, when feasible, the
620 records of the Department of Corrections, on the parents, legal
621 custodians, or caregivers, and any other persons in the same
622 household. This information shall be used solely for purposes
623 supporting the detection, apprehension, prosecution, pretrial
624 release, posttrial release, or rehabilitation of criminal
625 offenders or persons accused of the crimes of child abuse,
626 abandonment, or neglect and shall not be further disseminated or
627 used for any other purpose. The department's child protection
628 investigators are hereby designated a criminal justice agency
629 for the purpose of accessing criminal justice information to be
630 used for enforcing this state's laws concerning the crimes of
631 child abuse, abandonment, and neglect. This information shall be
632 used solely for purposes supporting the detection, apprehension,
633 prosecution, pretrial release, posttrial release, or
634 rehabilitation of criminal offenders or persons accused of the
635 crimes of child abuse, abandonment, or neglect and may not be
636 further disseminated or used for any other purpose.

637 6.4. Document the present and impending dangers Determine
638 the immediate and long-term risk to each child based on the

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639 identification of inadequate protective capacity through
640 utilization of a standardized safety risk assessment instrument
641 instruments.

642 (b) Upon completion of the immediate safety assessment, the
643 department shall determine the additional activities necessary
644 to assess impending dangers, if any, and close the
645 investigation.

646 ~~5. Based on the information obtained from available~~
647 ~~sources, complete the risk assessment instrument within 48 hours~~
648 ~~after the initial contact and, if needed, develop a case plan.~~

649 (c)6. For each report received from the central abuse
650 hotline, the department or the sheriff providing child
651 protective investigative services under s. 39.3065, shall
652 determine the protective, treatment, and ameliorative services
653 necessary to safeguard and ensure the child's safety and well-
654 being and development, and cause the delivery of those services
655 through the early intervention of the department or its agent.
656 As applicable, The training provided to staff members who
657 conduct child protective investigators investigations must
658 inform parents and caregivers include instruction on how and
659 when to use the injunction process under s. 39.504 or s. 741.30
660 to remove a perpetrator of domestic violence from the home as an
661 intervention to protect the child.

662 1. If the department or the sheriff providing child
663 protective investigative services determines that the interests
664 of the child and the public will be best served by providing the
665 child care or other treatment voluntarily accepted by the child
666 and the parents or legal custodians, the parent or legal
667 custodian and child may be referred for such care, case

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668 management, or other community resources.

669 2. If the department or the sheriff providing child
670 protective investigative services determines that the child is
671 in need of protection and supervision, the department may file a
672 petition for dependency.

673 3. If a petition for dependency is not being filed by the
674 department, the person or agency originating the report shall be
675 advised of the right to file a petition pursuant to this part.

676 4. At the close of an investigation, the department or the
677 sheriff providing child protective services shall provide to the
678 person who is alleged to have caused the abuse, neglect, or
679 abandonment and the parent or legal custodian a summary of
680 findings from the investigation and provide information about
681 their right to access confidential reports in accordance with s.
682 39.202.

683 ~~(c) The determination that a report requires an~~
684 ~~investigation as provided in this subsection and does not~~
685 ~~require an enhanced onsite child protective investigation~~
686 ~~pursuant to subsection (11) must be approved in writing by the~~
687 ~~supervisor with documentation specifying why additional~~
688 ~~investigative activities are not necessary.~~

689 ~~(d) A report that meets the criteria specified in this~~
690 ~~subsection is not precluded from further investigative~~
691 ~~activities. At any time it is determined that additional~~
692 ~~investigative activities are necessary for the safety of the~~
693 ~~child, such activities shall be conducted.~~

694 (10)(11)(a) The department's training program for staff
695 responsible for responding to reports accepted by the central
696 abuse hotline must also ensure that child protective responders:

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697 1. Know how to fully inform parents or legal custodians of
698 their rights and options, including opportunities for audio or
699 video recording of child protective responder interviews with
700 parents or legal custodians or children.

701 2. Know how and when to use the injunction process under s.
702 39.504 or s. 741.30 to remove a perpetrator of domestic violence
703 from the home as an intervention to protect the child.

704 3. Know how to explain, to the parent, legal custodian, or
705 person who is alleged to have caused the abuse, neglect, or
706 abandonment, the results of the investigation and provide
707 information about their right to access confidential reports in
708 accordance with s. 39.202 prior to closing the case.

709 (b) To enhance the skills of individual staff members and
710 to improve the region's and district's overall child protection
711 system, the department's training program at the regional and
712 district levels must include results of qualitative reviews of
713 child protective investigation cases handled within the region
714 or district in order to identify weaknesses as well as examples
715 of effective interventions which occurred at each point in the
716 case. For each report that meets one or more of the following
717 criteria, the department shall perform an enhanced onsite child
718 protective investigation:

719 ~~1. Any allegation that involves physical abuse, sexual~~
720 ~~abuse, domestic violence, substance abuse or substance exposure,~~
721 ~~medical neglect, a child younger than 3 years of age, or a child~~
722 ~~who is disabled or lacks communication skills.~~

723 ~~2. Any report that involves an individual who has been the~~
724 ~~subject of a prior report containing some indicators or verified~~
725 ~~findings of abuse, neglect, or abandonment.~~

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726 ~~3. Any report that does not contain compelling evidence~~
727 ~~that the maltreatment did not occur.~~

728 ~~4. Any report that does not meet the criteria for an onsite~~
729 ~~child protective investigation as set forth in subsection (10).~~

730 ~~(b) The enhanced onsite child protective investigation~~
731 ~~shall include, but is not limited to:~~

732 ~~1. A face-to-face interview with the child, other siblings,~~
733 ~~parents or legal custodians or caregivers, and other adults in~~
734 ~~the household;~~

735 ~~2. Collateral contacts;~~

736 ~~3. Contact with the reporter as required by rule;~~

737 ~~4. An onsite assessment of the child's residence in~~
738 ~~accordance with paragraph (10) (b); and~~

739 ~~5. An updated assessment.~~

740 (c) For all reports received, detailed documentation is
741 required for the investigative activities.

742 (11)-(12) The department shall incorporate into its quality
743 assurance program the monitoring of ~~the determination of~~ reports
744 that receive a ~~an~~ onsite child protective investigation to
745 determine the quality and timeliness of safety assessments,
746 engagements with families, teamwork with other experts and
747 professionals, and appropriate investigative activities that are
748 uniquely tailored to the safety factors associated with each
749 child and family ~~and those that receive an enhanced onsite child~~
750 ~~protective investigation.~~

751 (12)-(13) If the department or its agent is denied
752 reasonable access to a child by the parents, legal custodians,
753 or caregivers and the department deems that the best interests
754 of the child so require, it shall seek an appropriate court

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755 order or other legal authority before ~~prior to~~ examining and
756 interviewing the child.

757 (13) ~~(14)~~ Onsite visits and face-to-face interviews with the
758 child or family shall be unannounced unless it is determined by
759 the department or its agent or contract provider that such
760 unannounced visit would threaten the safety of the child.

761 (14) ~~(15)~~ (a) If the department or its agent determines that
762 a child requires immediate or long-term protection through:

- 763 1. Medical or other health care; or
764 2. Homemaker care, day care, protective supervision, or
765 other services to stabilize the home environment, including
766 intensive family preservation services through the Intensive
767 Crisis Counseling Program,

768
769 such services shall first be offered for voluntary acceptance
770 unless there are high-risk factors that may impact the ability
771 of the parents or legal custodians to exercise judgment. Such
772 factors may include the parents' or legal custodians' young age
773 or history of substance abuse or domestic violence.

774 (b) The parents or legal custodians shall be informed of
775 the right to refuse services, as well as the responsibility of
776 the department to protect the child regardless of the acceptance
777 or refusal of services. If the services are refused, a
778 collateral contact ~~required under subparagraph (11)(b)2.~~ shall
779 include a relative, if the protective investigator has knowledge
780 of and the ability to contact a relative. If the services are
781 refused and the department deems that the child's need for
782 protection so requires, the department shall take the child into
783 protective custody or petition the court as provided in this

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784 chapter. At any time after the commencement of a protective
785 investigation, a relative may submit in writing to the
786 protective investigator or case manager a request to receive
787 notification of all proceedings and hearings in accordance with
788 s. 39.502. The request shall include the relative's name,
789 address, and phone number and the relative's relationship to the
790 child. The protective investigator or case manager shall forward
791 such request to the attorney for the department. The failure to
792 provide notice to either a relative who requests it pursuant to
793 this subsection or to a relative who is providing out-of-home
794 care for a child may ~~shall~~ not result in any previous action of
795 the court at any stage or proceeding in dependency or
796 termination of parental rights under any part of this chapter
797 being set aside, reversed, modified, or in any way changed
798 absent a finding by the court that a change is required in the
799 child's best interests.

800 (c) The department, in consultation with the judiciary,
801 shall adopt by rule criteria that are factors requiring that the
802 department take the child into custody, petition the court as
803 provided in this chapter, or, if the child is not taken into
804 custody or a petition is not filed with the court, conduct an
805 administrative review. If after an administrative review the
806 department determines not to take the child into custody or
807 petition the court, the department shall document the reason for
808 its decision in writing and include it in the investigative
809 file. For all cases that were accepted by the local law
810 enforcement agency for criminal investigation pursuant to
811 subsection (2), the department must include in the file written
812 documentation that the administrative review included input from

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813 law enforcement. In addition, for all cases that must be
814 referred to child protection teams pursuant to s. 39.303(2) and
815 (3), the file must include written documentation that the
816 administrative review included the results of the team's
817 evaluation. Factors that must be included in the development of
818 the rule include noncompliance with the case plan developed by
819 the department, or its agent, and the family under this chapter
820 and prior abuse reports with findings that involve the child or
821 caregiver.

822 (15)~~(16)~~ When a child is taken into custody pursuant to
823 this section, the authorized agent of the department shall
824 request that the child's parent, caregiver, or legal custodian
825 disclose the names, relationships, and addresses of all parents
826 and prospective parents and all next of kin, so far as are
827 known.

828 (16)~~(17)~~ The department shall complete its protective
829 investigation within 60 days after receiving the initial report,
830 unless:

831 (a) There is also an active, concurrent criminal
832 investigation that is continuing beyond the 60-day period and
833 the closure of the protective investigation may compromise
834 successful criminal prosecution of the child abuse or neglect
835 case, in which case the closure date shall coincide with the
836 closure date of the criminal investigation and any resulting
837 legal action.

838 (b) In child death cases, the final report of the medical
839 examiner is necessary for the department to close its
840 investigation and the report has not been received within the
841 60-day period, in which case the report closure date shall be

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842 extended to accommodate the report.

843 (c) A child who is necessary to an investigation has been
844 declared missing by the department, a law enforcement agency, or
845 a court, in which case the 60-day period shall be extended until
846 the child has been located or until sufficient information
847 exists to close the investigation despite the unknown location
848 of the child.

849 (17)~~(18)~~ Immediately upon learning during the course of an
850 investigation that:

851 (a) The immediate safety or well-being of a child is
852 endangered;

853 (b) The family is likely to flee;

854 (c) A child died as a result of abuse, abandonment, or
855 neglect;

856 (d) A child is a victim of aggravated child abuse as
857 defined in s. 827.03; or

858 (e) A child is a victim of sexual battery or of sexual
859 abuse,

860
861 the department shall ~~orally~~ notify the jurisdictionally
862 responsible state attorney, and county sheriff's office or local
863 police department, and, within 3 working days, transmit a full
864 written report to those agencies. The law enforcement agency
865 shall review the report and determine whether a criminal
866 investigation needs to be conducted and shall assume lead
867 responsibility for all criminal fact-finding activities. A
868 criminal investigation shall be coordinated, whenever possible,
869 with the child protective investigation of the department. Any
870 interested person who has information regarding an offense

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871 described in this subsection may forward a statement to the
872 state attorney as to whether prosecution is warranted and
873 appropriate.

874 ~~(18)~~(19) In a child protective investigation or a criminal
875 investigation, when the initial interview with the child is
876 conducted at school, the department or the law enforcement
877 agency may allow, notwithstanding ~~the provisions of s.~~
878 39.0132(4), a school staff member who is known by the child to
879 be present during the initial interview if:

880 (a) The department or law enforcement agency believes that
881 the school staff member could enhance the success of the
882 interview by his or her presence; and

883 (b) The child requests or consents to the presence of the
884 school staff member at the interview.

885

886 School staff may be present only when authorized by this
887 subsection. Information received during the interview or from
888 any other source regarding the alleged abuse or neglect of the
889 child is ~~shall be~~ confidential and exempt from ~~the provisions of~~
890 s. 119.07(1), except as otherwise provided by court order. A
891 separate record of the investigation of the abuse, abandonment,
892 or neglect may ~~shall~~ not be maintained by the school or school
893 staff member. Violation of this subsection is ~~constitutes~~ a
894 misdemeanor of the second degree, punishable as provided in s.
895 775.082 or s. 775.083.

896 ~~(19)~~(20) When a law enforcement agency conducts a criminal
897 investigation into allegations of child abuse, neglect, or
898 abandonment, photographs documenting the abuse or neglect shall
899 ~~will~~ be taken when appropriate.

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900 (20)~~(21)~~ Within 15 days after the case is reported to him
901 or her pursuant to this chapter, the state attorney shall report
902 his or her findings to the department and shall include in such
903 report a determination of whether or not prosecution is
904 justified and appropriate in view of the circumstances of the
905 specific case.

906 ~~(22) In order to enhance the skills of individual staff and
907 to improve the district's overall child protection system, the
908 department's training program at the district level must include
909 periodic reviews of cases handled within the district in order
910 to identify weaknesses as well as examples of effective
911 interventions that occurred at each point in the case.~~

912 (21)~~(23)~~ When an investigation is closed and a person is
913 not identified as a caregiver responsible for the abuse,
914 neglect, or abandonment alleged in the report, the fact that the
915 person is named in some capacity in the report may not be used
916 in any way to adversely affect the interests of that person.
917 This prohibition applies to any use of the information in
918 employment screening, licensing, child placement, adoption, or
919 any other decisions by a private adoption agency or a state
920 agency or its contracted providers, except that a previous
921 report may be used to determine whether a child is safe and what
922 the known risk is to the child at any stage of a child
923 protection proceeding.

924 (22)~~(24)~~ If, after having been notified of the requirement
925 to report a change in residence or location of the child to the
926 protective investigator, a parent or legal custodian causes the
927 child to move, or allows the child to be moved, to a different
928 residence or location, or if the child leaves the residence on

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929 his or her own accord and the parent or legal custodian does not
930 notify the protective investigator of the move within 2 business
931 days, the child may be considered to be a missing child for the
932 purposes of filing a report with a law enforcement agency under
933 s. 937.021.

934 Section 7. Subsection (1) of section 39.302, Florida
935 Statutes, is amended to read:

936 39.302 Protective investigations of institutional child
937 abuse, abandonment, or neglect.—

938 (1) The department shall conduct a child protective
939 investigation of each report of institutional child abuse,
940 abandonment, or neglect. Upon receipt of a report that alleges
941 that an employee or agent of the department, or any other entity
942 or person covered by s. 39.01(33) or (47), acting in an official
943 capacity, has committed an act of child abuse, abandonment, or
944 neglect, the department shall initiate a child protective
945 investigation within the timeframe established under s.
946 39.201(5) and ~~orally~~ notify the appropriate state attorney, law
947 enforcement agency, and licensing agency, which shall
948 immediately conduct a joint investigation, unless independent
949 investigations are more feasible. When conducting investigations
950 ~~onsite~~ or having face-to-face interviews with the child,
951 investigation visits shall be unannounced unless it is
952 determined by the department or its agent that unannounced
953 visits threaten the safety of the child. If a facility is exempt
954 from licensing, the department shall inform the owner or
955 operator of the facility of the report. Each agency conducting a
956 joint investigation is entitled to full access to the
957 information gathered by the department in the course of the

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958 investigation. A protective investigation must include an
959 interview with the child's parent or legal guardian ~~an onsite~~
960 ~~visit of the child's place of residence~~. The department shall
961 make a full written report to the state attorney within 3
962 working days after making the oral report. A criminal
963 investigation shall be coordinated, whenever possible, with the
964 child protective investigation of the department. Any interested
965 person who has information regarding the offenses described in
966 this subsection may forward a statement to the state attorney as
967 to whether prosecution is warranted and appropriate. Within 15
968 days after the completion of the investigation, the state
969 attorney shall report the findings to the department and shall
970 include in the report a determination of whether or not
971 prosecution is justified and appropriate in view of the
972 circumstances of the specific case.

973 Section 8. Subsection (2) of section 39.307, Florida
974 Statutes, is amended to read:

975 39.307 Reports of child-on-child sexual abuse.—

976 (2) The department, contracted sheriff's office providing
977 protective investigation services, or contracted case management
978 personnel responsible for providing services ~~District staff~~, at
979 a minimum, shall adhere to the following procedures:

980 (a) The purpose of the response to a report alleging
981 juvenile sexual abuse behavior shall be explained to the
982 caregiver.

983 1. The purpose of the response shall be explained in a
984 manner consistent with legislative purpose and intent provided
985 in this chapter.

986 2. The name and office telephone number of the person

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987 responding shall be provided to the caregiver of the alleged
988 juvenile sexual offender or child who has exhibited
989 inappropriate sexual behavior and the victim's caregiver.

990 3. The possible consequences of the department's response,
991 including outcomes and services, shall be explained to the
992 caregiver of the alleged juvenile sexual offender or child who
993 has exhibited inappropriate sexual behavior and the victim's
994 caregiver.

995 (b) The caregiver of the alleged juvenile sexual offender
996 or child who has exhibited inappropriate sexual behavior and the
997 victim's caregiver shall be involved to the fullest extent
998 possible in determining the nature of the sexual behavior
999 concerns ~~allegation~~ and the nature of any problem or risk to
1000 other children.

1001 (c) The assessment of risk and the perceived treatment
1002 needs of the alleged juvenile sexual offender or child who has
1003 exhibited inappropriate sexual behavior, the victim, and
1004 respective caregivers shall be conducted by the district staff,
1005 the child protection team of the Department of Health, and other
1006 providers under contract with the department to provide services
1007 to the caregiver of the alleged offender, the victim, and the
1008 victim's caregiver.

1009 (d) The assessment shall be conducted in a manner that is
1010 sensitive to the social, economic, and cultural environment of
1011 the family.

1012 (e) If necessary, the child protection team of the
1013 Department of Health shall conduct a physical examination of the
1014 victim, which is sufficient to meet forensic requirements.

1015 (f) Based on the information obtained from the alleged

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1016 juvenile sexual offender or child who has exhibited
1017 inappropriate sexual behavior, his or her caregiver, the victim,
1018 and the victim's caregiver, an assessment of service and
1019 treatment needs ~~report~~ must be completed ~~within 7 days~~ and, if
1020 needed, a case plan developed within 30 days.

1021 (g) The department shall classify the outcome of the report
1022 as follows:

1023 1. Report closed. Services were not offered because the
1024 department determined that there was no basis for intervention.

1025 2. Services accepted by alleged juvenile sexual offender.
1026 Services were offered to the alleged juvenile sexual offender or
1027 child who has exhibited inappropriate sexual behavior and
1028 accepted by the caregiver.

1029 3. Report closed. Services were offered to the alleged
1030 juvenile sexual offender or child who has exhibited
1031 inappropriate sexual behavior, but were rejected by the
1032 caregiver.

1033 4. Notification to law enforcement. The risk to the
1034 victim's safety and well-being cannot be reduced by the
1035 provision of services or the caregiver rejected services, and
1036 notification of the alleged delinquent act or violation of law
1037 to the appropriate law enforcement agency was initiated.

1038 5. Services accepted by victim. Services were offered to
1039 the victim and accepted by the caregiver.

1040 6. Report closed. Services were offered to the victim but
1041 were rejected by the caregiver.

1042 Section 9. Section 39.504, Florida Statutes, is amended to
1043 read:

1044 39.504 Injunction pending disposition of petition;

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1045 penalty.-

1046 (1) At any time after a protective investigation has been
1047 initiated pursuant to part III of this chapter, the court, upon
1048 the request of the department, a law enforcement officer, the
1049 state attorney, or other responsible person, or upon its own
1050 motion, may, if there is reasonable cause, issue an injunction
1051 to prevent any act of child abuse. Reasonable cause for the
1052 issuance of an injunction exists if there is evidence of child
1053 abuse or if there is a reasonable likelihood of such abuse
1054 occurring based upon a recent overt act or failure to act.

1055 (2) The petitioner seeking the injunction shall file a
1056 verified petition, or a petition along with an affidavit,
1057 setting forth the specific actions by the alleged offender from
1058 which the child must be protected and all remedies sought. Upon
1059 filing the petition, the court shall set a hearing to be held at
1060 the earliest possible time. Pending the hearing, the court may
1061 issue a temporary ex parte injunction, with verified pleadings
1062 or affidavits as evidence. The temporary ex parte injunction
1063 pending a hearing is effective for up to 15 days and the hearing
1064 must be held within that period unless continued for good cause
1065 shown, which may include obtaining service of process, in which
1066 case the temporary ex parte injunction shall be extended for the
1067 continuance period. The hearing may be held sooner if the
1068 alleged offender has received reasonable notice. Notice shall be
1069 provided to the parties as set forth in the Florida Rules of
1070 Juvenile Procedure, unless the child is reported to be in
1071 imminent danger, in which case the court may issue an injunction
1072 immediately. A judge may issue an emergency injunction pursuant
1073 to this section without notice if the court is closed for the

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1074 ~~transaction of judicial business. If an immediate injunction is~~
1075 ~~issued, the court must hold a hearing on the next day of~~
1076 ~~judicial business to dissolve the injunction or to continue or~~
1077 ~~modify it in accordance with this section.~~

1078 (3) Before the hearing, the alleged offender must be
1079 personally served with a copy of the petition, all other
1080 pleadings related to the petition, a notice of hearing, and, if
1081 one has been entered, the temporary injunction. Following the
1082 hearing, the court may enter a final injunction. The court may
1083 grant a continuance of the hearing at any time for good cause
1084 shown by any party. If a temporary injunction has been entered,
1085 it shall be continued during the continuance.

1086 (4)~~(3)~~ If an injunction is issued under this section, the
1087 primary purpose of the injunction must be to protect and promote
1088 the best interests of the child, taking the preservation of the
1089 child's immediate family into consideration.

1090 (a) The injunction applies ~~shall apply~~ to the alleged or
1091 actual offender in a case of child abuse or acts of domestic
1092 violence. The conditions of the injunction shall be determined
1093 by the court, which ~~conditions~~ may include ordering the alleged
1094 or actual offender to:

- 1095 1. Refrain from further abuse or acts of domestic violence.
- 1096 2. Participate in a specialized treatment program.
- 1097 3. Limit contact or communication with the child victim,
1098 other children in the home, or any other child.
- 1099 4. Refrain from contacting the child at home, school, work,
1100 or wherever the child may be found.
- 1101 5. Have limited or supervised visitation with the child.
- 1102 ~~6. Pay temporary support for the child or other family~~

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1103 ~~members; the costs of medical, psychiatric, and psychological~~
1104 ~~treatment for the child incurred as a result of the offenses;~~
1105 ~~and similar costs for other family members.~~

1106 6.7. Vacate the home in which the child resides.

1107 (b) Upon proper pleading, the court may award the following
1108 relief in a temporary ex parte or final injunction ~~If the intent~~
1109 ~~of the injunction is to protect the child from domestic~~
1110 ~~violence, the conditions may also include:~~

1111 1. ~~Awarding the~~ Exclusive use and possession of the
1112 dwelling to the caregiver or exclusion of ~~excluding~~ the alleged
1113 or actual offender from the residence of the caregiver.

1114 2. ~~Awarding temporary custody of the child to the~~
1115 ~~caregiver.~~

1116 2.3. ~~Establishing~~ Temporary support for the child or other
1117 family members.

1118 3. The costs of medical, psychiatric, and psychological
1119 treatment for the child incurred due to the abuse, and similar
1120 costs for other family members.

1121
1122 This paragraph does not preclude an ~~the~~ adult victim of domestic
1123 violence from seeking protection for himself or herself under s.
1124 741.30.

1125 (c) The terms of the final injunction shall remain in
1126 effect until modified or dissolved by the court. The petitioner,
1127 respondent, or caregiver may move at any time to modify or
1128 dissolve the injunction. Notice of hearing on the motion to
1129 modify or dissolve the injunction must be provided to all
1130 parties, including the department. The injunction is valid and
1131 enforceable in all counties in the state.

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1132 (5)~~(4)~~ Service of process on the respondent shall be
1133 carried out pursuant to s. 741.30. The department shall deliver
1134 a copy of any injunction issued pursuant to this section to the
1135 protected party or to a parent, caregiver, or individual acting
1136 in the place of a parent who is not the respondent. Law
1137 enforcement officers may exercise their arrest powers as
1138 provided in s. 901.15(6) to enforce the terms of the injunction.

1139 (6)~~(5)~~ Any person who fails to comply with an injunction
1140 issued pursuant to this section commits a misdemeanor of the
1141 first degree, punishable as provided in s. 775.082 or s.
1142 775.083.

1143 (7) The person against whom an injunction is entered under
1144 this section does not automatically become a party to a
1145 subsequent dependency action concerning the same child.

1146 Section 10. Paragraph (r) of subsection (2) of section
1147 39.521, Florida Statutes, is amended to read:

1148 39.521 Disposition hearings; powers of disposition.—

1149 (2) The predisposition study must provide the court with
1150 the following documented information:

1151 (r) If the child has been removed from the home and will be
1152 remaining with a relative, parent, or other adult approved by
1153 the court, a home study report concerning the proposed placement
1154 shall be included in the predisposition report. Before ~~Prior to~~
1155 recommending to the court any out-of-home placement for a child
1156 other than placement in a licensed shelter or foster home, the
1157 department shall conduct a study of the home of the proposed
1158 legal custodians, which must include, at a minimum:

1159 1. An interview with the proposed legal custodians to
1160 assess their ongoing commitment and ability to care for the

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1161 child.

1162 2. Records checks through the State Automated Child Welfare
1163 Information System (SACWIS) ~~Florida Abuse Hotline Information~~
1164 ~~System (FAHIS)~~, and local and statewide criminal and juvenile
1165 records checks through the Department of Law Enforcement, on all
1166 household members 12 years of age or older. In addition, the
1167 fingerprints of any household members who are 18 years of age or
1168 older may be submitted to the Department of Law Enforcement for
1169 processing and forwarding to the Federal Bureau of Investigation
1170 for state and national criminal history information. The
1171 department has the discretion to request State Automated Child
1172 Welfare Information System (SACWIS) and local, statewide, and
1173 national criminal history checks and fingerprinting of any other
1174 visitor to the home who is made known to the department ~~and any~~
1175 ~~other persons made known to the department who are frequent~~
1176 ~~visitors in the home.~~ Out-of-state criminal records checks must
1177 be initiated for any individual ~~designated above~~ who has resided
1178 in a state other than Florida if provided that state's laws
1179 allow the release of these records. The out-of-state criminal
1180 records must be filed with the court within 5 days after receipt
1181 by the department or its agent.

1182 3. An assessment of the physical environment of the home.

1183 4. A determination of the financial security of the
1184 proposed legal custodians.

1185 5. A determination of suitable child care arrangements if
1186 the proposed legal custodians are employed outside of the home.

1187 6. Documentation of counseling and information provided to
1188 the proposed legal custodians regarding the dependency process
1189 and possible outcomes.

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1190 7. Documentation that information regarding support
1191 services available in the community has been provided to the
1192 proposed legal custodians.

1193
1194 The department may ~~shall~~ not place the child or continue the
1195 placement of the child in a home under shelter or
1196 postdisposition placement if the results of the home study are
1197 unfavorable, unless the court finds that this placement is in
1198 the child's best interest.

1199
1200 Any other relevant and material evidence, including other
1201 written or oral reports, may be received by the court in its
1202 effort to determine the action to be taken with regard to the
1203 child and may be relied upon to the extent of its probative
1204 value, even though not competent in an adjudicatory hearing.
1205 Except as otherwise specifically provided, nothing in this
1206 section prohibits the publication of proceedings in a hearing.

1207 Section 11. Subsections (2) and (4) of section 39.6011,
1208 Florida Statutes, are amended to read:

1209 39.6011 Case plan development.—

1210 (2) The case plan must be written simply and clearly in
1211 English and, if English is not the principal language of the
1212 child's parent, to the extent possible in the parent's principal
1213 language. Each case plan must contain:

1214 (a) A description of the identified problem being
1215 addressed, including the parent's behavior or acts resulting in
1216 risk to the child and the reason for the intervention by the
1217 department.

1218 (b) The permanency goal.

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1219 (c) If concurrent planning is being used, a description of
1220 the permanency goal of reunification with the parent or legal
1221 custodian in addition to a description of one of the remaining
1222 permanency goals described in s. 39.01.

1223 1. If a child has not been removed from a parent, but is
1224 found to be dependent, even if adjudication of dependency is
1225 withheld, the court may leave the child in the current placement
1226 with maintaining and strengthening the placement as a permanency
1227 option.

1228 2. If a child has been removed from a parent and is placed
1229 with a parent from whom the child was not removed, the court may
1230 leave the child in the placement with the parent from whom the
1231 child was not removed with maintaining and strengthening the
1232 placement as a permanency option.

1233 3. If a child has been removed from a parent and is
1234 subsequently reunified with that parent, the court may leave the
1235 child with that parent with maintaining and strengthening the
1236 placement as a permanency option.

1237 (d) The date the compliance period expires. The case plan
1238 must be limited to as short a period as possible for
1239 accomplishing its provisions. The plan's compliance period
1240 expires no later than 12 months after the date the child was
1241 initially removed from the home, the child was adjudicated
1242 dependent, or the date the case plan was accepted by the court,
1243 whichever occurs first ~~sooner~~.

1244 (e) A written notice to the parent that failure of the
1245 parent to substantially comply with the case plan may result in
1246 the termination of parental rights, and that a material breach
1247 of the case plan may result in the filing of a petition for

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1248 termination of parental rights sooner than the compliance period
1249 set forth in the case plan.

1250 (4) The case plan must describe:

1251 (a) The role of the foster parents or legal custodians when
1252 developing the services that are to be provided to the child,
1253 foster parents, or legal custodians;

1254 (b) The responsibility of the case manager to forward a
1255 relative's request to receive notification of all proceedings
1256 and hearings submitted pursuant to s. 39.301(14)(b)
1257 ~~39.301(15)(b)~~ to the attorney for the department;

1258 (c) The minimum number of face-to-face meetings to be held
1259 each month between the parents and the department's family
1260 services counselors to review the progress of the plan, to
1261 eliminate barriers to progress, and to resolve conflicts or
1262 disagreements; and

1263 (d) The parent's responsibility for financial support of
1264 the child, including, but not limited to, health insurance and
1265 child support. The case plan must list the costs associated with
1266 any services or treatment that the parent and child are expected
1267 to receive which are the financial responsibility of the parent.
1268 The determination of child support and other financial support
1269 shall be made independently of any determination of indigency
1270 under s. 39.013.

1271 Section 12. Subsection (1) of section 39.621, Florida
1272 Statutes, is amended to read:

1273 39.621 Permanency determination by the court.—

1274 (1) Time is of the essence for permanency of children in
1275 the dependency system. A permanency hearing must be held no
1276 later than 12 months after the date the child was removed from

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1277 the home or within ~~no later than~~ 30 days after a court
1278 determines that reasonable efforts to return a child to either
1279 parent are not required, whichever occurs first. The purpose of
1280 the permanency hearing is to determine when the child will
1281 achieve the permanency goal or whether modifying the current
1282 goal is in the best interest of the child. A permanency hearing
1283 must be held at least every 12 months for any child who
1284 continues to be supervised by ~~receive supervision from~~ the
1285 department or awaits adoption.

1286 Section 13. Paragraph (b) of subsection (3), subsection
1287 (6), and paragraph (e) of subsection (10) of section 39.701,
1288 Florida Statutes, are amended to read:

1289 39.701 Judicial review.—

1290 (3)

1291 (b) If the citizen review panel recommends extending the
1292 goal of reunification for any case plan beyond 12 months from
1293 the date the child was removed from the home, ~~or~~ the case plan
1294 was adopted, or the child was adjudicated dependent, whichever
1295 date came first, the court must schedule a judicial review
1296 hearing to be conducted by the court within 30 days after
1297 receiving the recommendation from the citizen review panel.

1298 (6) The attorney for the department shall notify a relative
1299 who submits a request for notification of all proceedings and
1300 hearings pursuant to s. 39.301(14)(b) ~~39.301(15)(b)~~. The notice
1301 shall include the date, time, and location of the next judicial
1302 review hearing.

1303 (10)

1304 (e) Within ~~No later than~~ 6 months after the date that the
1305 child was placed in shelter care, the court shall conduct a

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1306 judicial review hearing to review the child's permanency goal as
1307 identified in the case plan. At the hearing the court shall make
1308 findings regarding the likelihood of the child's reunification
1309 with the parent or legal custodian within 12 months after the
1310 removal of the child from the home. If, ~~at this hearing,~~ the
1311 court makes a written finding that it is not likely that the
1312 child will be reunified with the parent or legal custodian
1313 within 12 months after the child was removed from the home, the
1314 department must file with the court, and serve on all parties, a
1315 motion to amend the case plan under s. 39.6013 and declare that
1316 it will use concurrent planning for the case plan. The
1317 department must file the motion within ~~no later than~~ 10 business
1318 days after receiving the written finding of the court. The
1319 department must attach the proposed amended case plan to the
1320 motion. If concurrent planning is already being used, the case
1321 plan must document the efforts the department is taking to
1322 complete the concurrent goal.

1323 Section 14. Subsection (1) of section 39.8055, Florida
1324 Statutes, is amended to read:

1325 39.8055 Requirement to file a petition to terminate
1326 parental rights; exceptions.—

1327 (1) The department shall file a petition to terminate
1328 parental rights within 60 days after any of the following if:

1329 (a) ~~The~~ ~~At the time of the 12-month judicial review~~
1330 ~~hearing,~~ a child is not returned to the physical custody of the
1331 parents 12 months after the child was sheltered or adjudicated
1332 dependent, whichever occurs first;

1333 (b) A petition for termination of parental rights has not
1334 otherwise been filed, and the child has been in out-of-home care

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1335 under the responsibility of the state for 12 of the most recent
1336 22 months, calculated on a cumulative basis, but not including
1337 any trial home visits or time during which the child was a
1338 runaway;

1339 (c) A parent has been convicted of the murder,
1340 manslaughter, aiding or abetting the murder, or conspiracy or
1341 solicitation to murder the other parent or another child of the
1342 parent, or a felony battery that resulted in serious bodily
1343 injury to the child or to another child of the parent; or

1344 (d) A court determines that reasonable efforts to reunify
1345 the child and parent are not required.

1346 Section 15. Paragraphs (d), (e), and (k) of subsection (1)
1347 and subsection (2) of section 39.806, Florida Statutes, are
1348 amended to read:

1349 39.806 Grounds for termination of parental rights.—

1350 (1) Grounds for the termination of parental rights may be
1351 established under any of the following circumstances:

1352 (d) When the parent of a child is incarcerated ~~in a state~~
1353 ~~or federal correctional institution and either:~~

1354 1. The period of time for which the parent is expected to
1355 be incarcerated will constitute a significant ~~substantial~~
1356 portion of the child's minority. When determining whether the
1357 period of time is significant, the court shall consider the
1358 child's age and the child's need for a permanent and stable
1359 home. The period of time begins on the date that the parent
1360 enters into incarceration ~~period of time before the child will~~
1361 ~~attain the age of 18 years;~~

1362 2. The incarcerated parent has been determined by the court
1363 to be a violent career criminal as defined in s. 775.084, a

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1364 habitual violent felony offender as defined in s. 775.084, or a
1365 sexual predator as defined in s. 775.21; has been convicted of
1366 first degree or second degree murder in violation of s. 782.04
1367 or a sexual battery that constitutes a capital, life, or first
1368 degree felony violation of s. 794.011; or has been convicted of
1369 an offense in another jurisdiction which is substantially
1370 similar to one of the offenses listed in this paragraph. As used
1371 in this section, the term "substantially similar offense" means
1372 any offense that is substantially similar in elements and
1373 penalties to one of those listed in this subparagraph, and that
1374 is in violation of a law of any other jurisdiction, whether that
1375 of another state, the District of Columbia, the United States or
1376 any possession or territory thereof, or any foreign
1377 jurisdiction; or

1378 3. The court determines by clear and convincing evidence
1379 that continuing the parental relationship with the incarcerated
1380 parent would be harmful to the child and, for this reason, that
1381 termination of the parental rights of the incarcerated parent is
1382 in the best interest of the child. When determining harm, the
1383 court shall consider the following factors:

1384 a. The age of the child;

1385 b. The relationship between the child and the parent;

1386 c. The nature of the parent's current and past provision
1387 for the child's developmental, cognitive, psychological, and
1388 physical needs;

1389 d. The parent's history of criminal behavior, which may
1390 include the frequency of incarceration and the unavailability of
1391 the parent to the child due to incarceration; and

1392 e. Any other factor the court deems relevant.

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1393 (e) When a child has been adjudicated dependent, a case
1394 plan has been filed with the court, and:

1395 1. The child continues to be abused, neglected, or
1396 abandoned by the parent or parents. The failure of the parent or
1397 parents to substantially comply with the case plan for a period
1398 of 12 ~~9~~ months after an adjudication of the child as a dependent
1399 child or the child's placement into shelter care, whichever
1400 occurs first, constitutes evidence of continuing abuse, neglect,
1401 or abandonment unless the failure to substantially comply with
1402 the case plan was due to the parent's lack of financial
1403 resources or to the failure of the department to make reasonable
1404 efforts to reunify the parent and child. The 12-month ~~9-month~~
1405 period begins to run only after the child's placement into
1406 shelter care or the entry of a disposition order placing the
1407 custody of the child with the department or a person other than
1408 the parent and the court's approval of a case plan having the
1409 goal of reunification with the parent, whichever occurs first;
1410 or

1411 2. The parent or parents have materially breached the case
1412 plan. Time is of the essence for permanency of children in the
1413 dependency system. In order to prove the parent or parents have
1414 materially breached the case plan, the court must find by clear
1415 and convincing evidence that the parent or parents are unlikely
1416 or unable to substantially comply with the case plan before time
1417 to comply with the case plan expires.

1418 (k) A test administered at birth that indicated that the
1419 child's blood, urine, or meconium contained any amount of
1420 alcohol or a controlled substance or metabolites of such
1421 substances, the presence of which was not the result of medical

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1422 treatment administered to the mother or the newborn infant, and
1423 the biological mother of the child is the biological mother of
1424 at least one other child who was adjudicated dependent after a
1425 finding of harm to the child's health or welfare due to exposure
1426 to a controlled substance or alcohol as defined in s.
1427 39.01~~(32)(g)~~, after which the biological mother had the
1428 opportunity to participate in substance abuse treatment.

1429 (2) Reasonable efforts to preserve and reunify families are
1430 not required if a court of competent jurisdiction has determined
1431 that any of the events described in paragraphs (1)(b)-(d) or
1432 (f)-(1) ~~(1)(e)-(1)~~ have occurred.

1433 Section 16. The amendments made by this act to paragraph
1434 (d) of subsection (1) of section 39.806, Florida Statutes, do
1435 not apply to any cause of action that accrued before July 1,
1436 2012.

1437 Section 17. Subsections (1) and (19) of section 39.502,
1438 Florida Statutes, are amended to read:

1439 39.502 Notice, process, and service.—

1440 (1) Unless parental rights have been terminated, all
1441 parents must be notified of all proceedings or hearings
1442 involving the child. Notice in cases involving shelter hearings
1443 and hearings resulting from medical emergencies must be that
1444 most likely to result in actual notice to the parents. In all
1445 other dependency proceedings, notice must be provided in
1446 accordance with subsections (4)-(9), except when a relative
1447 requests notification pursuant to s. 39.301(14)(b)
1448 ~~39.301(15)(b)~~, in which case notice shall be provided pursuant
1449 to subsection (19).

1450 (19) In all proceedings and hearings under this chapter,

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1451 the attorney for the department shall notify, orally or in
1452 writing, a relative requesting notification pursuant to s.
1453 39.301(14)(b) ~~39.301(15)(b)~~ of the date, time, and location of
1454 such proceedings and hearings, and notify the relative that he
1455 or she has the right to attend all subsequent proceedings and
1456 hearings, to submit reports to the court, and to speak to the
1457 court regarding the child, if the relative so desires. The court
1458 has the discretion to release the attorney for the department
1459 from notifying a relative who requested notification pursuant to
1460 s. 39.301(14)(b) ~~39.301(15)(b)~~ if the relative's involvement is
1461 determined to be impeding the dependency process or detrimental
1462 to the child's well-being.

1463 Section 18. Section 39.823, Florida Statutes, is amended to
1464 read:

1465 39.823 Guardian advocates for drug dependent newborns.—The
1466 Legislature finds that increasing numbers of drug dependent
1467 children are born in this state. Because of the parents'
1468 continued dependence upon drugs, the parents may temporarily
1469 leave their child with a relative or other adult or may have
1470 agreed to voluntary family services under s. 39.301(14)
1471 ~~39.301(15)~~. The relative or other adult may be left with a child
1472 who is likely to require medical treatment but for whom they are
1473 unable to obtain medical treatment. The purpose of this section
1474 is to provide an expeditious method for such relatives or other
1475 responsible adults to obtain a court order which allows them to
1476 provide consent for medical treatment and otherwise advocate for
1477 the needs of the child and to provide court review of such
1478 authorization.

1479 Section 19. Subsection (1) of section 39.828, Florida

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1480 Statutes, is amended to read:

1481 39.828 Grounds for appointment of a guardian advocate.—

1482 (1) The court shall appoint the person named in the
1483 petition as a guardian advocate with all the powers and duties
1484 specified in s. 39.829 for an initial term of 1 year upon a
1485 finding that:

1486 (a) The child named in the petition is or was a drug
1487 dependent newborn as described in s. 39.01~~(32)(g)~~;

1488 (b) The parent or parents of the child have voluntarily
1489 relinquished temporary custody of the child to a relative or
1490 other responsible adult;

1491 (c) The person named in the petition to be appointed the
1492 guardian advocate is capable of carrying out the duties as
1493 provided in s. 39.829; and

1494 (d) A petition to adjudicate the child dependent under this
1495 chapter has not been filed.

1496 Section 20. Subsection (3) of section 402.56, Florida
1497 Statutes, is amended to read:

1498 402.56 Children's cabinet; organization; responsibilities;
1499 annual report.—

1500 (3) ORGANIZATION.—There is created the Children and Youth
1501 Cabinet, which is a coordinating council as defined in s. 20.03.

1502 (a) The cabinet shall ensure that the public policy of this
1503 state relating to children and youth is developed to promote
1504 interdepartmental collaboration and program implementation in
1505 order that services designed for children and youth are planned,
1506 managed, and delivered in a holistic and integrated manner to
1507 improve the children's self-sufficiency, safety, economic
1508 stability, health, and quality of life.

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1509 (b) The cabinet is created in the Executive Office of the
1510 Governor, which shall provide administrative support and service
1511 to the cabinet.

1512 (c) ~~The cabinet shall meet for its organizational session~~
1513 ~~no later than October 1, 2007. Thereafter,~~ The cabinet shall
1514 meet at least four ~~six~~ times each year in different regions of
1515 the state in order to solicit input from the public and any
1516 other individual offering testimony relevant to the issues
1517 considered. Each meeting must include a public comment session.

1518 Section 21. This act shall take effect July 1, 2012.