

By the Committee on Children, Families, and Elder Affairs; and
Senators Montford and Book

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1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.001,
3 F.S.; providing an additional purpose of ch. 39, F.S.;
4 providing for the name of a child's guardian ad litem
5 or attorney ad litem to be entered on court orders in
6 dependency proceedings; amending s. 39.0136, F.S.;
7 requiring cooperation between certain parties and the
8 court to achieve permanency for a child in a timely
9 manner; requiring certain court orders to specify
10 certain deadlines; amending s. 39.202, F.S.;
11 prohibiting the Department of Children and Families
12 from releasing the names of certain persons who have
13 provided information during a protective investigation
14 except under certain circumstances; amending s.
15 39.402, F.S.; providing that time limitations
16 governing placement of a child in a shelter do not
17 include continuances requested by the court; providing
18 limitations on continuances; providing requirements
19 for parents to achieve reunification with the child;
20 amending s. 39.507, F.S.; requiring the court to
21 advise the parents during an adjudicatory hearing of
22 certain actions that are required to achieve
23 reunification; amending s. 39.521, F.S.; requiring the
24 department to provide copies of the family functioning
25 assessment to certain persons; amending s. 39.522,
26 F.S.; providing conditions for the court to consider
27 the continuity of the child's placement in the same
28 out-of-home residence before the permanency placement
29 is approved in a postdisposition proceeding to modify

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30 custody; amending s. 39.6011, F.S.; requiring a case
31 plan for a child receiving services from the
32 department to include a protocol for parents to
33 achieve reunification with the child; providing that
34 certain action or inaction by a parent may result in
35 termination of parental rights; requiring the
36 department to provide certain information to a parent
37 before signing a case plan; providing a timeframe for
38 referral for services; amending s. 39.6012, F.S.;
39 requiring a case plan to contain certain information;
40 amending s. 39.6013, F.S.; conforming a cross-
41 reference; amending s. 39.621, F.S.; requiring the
42 court to hold permanency hearings within specified
43 timeframes until permanency is determined; amending s.
44 39.701, F.S.; requiring the department to file a
45 motion to amend a case plan when concurrent planning
46 is used, under certain circumstances; amending s.
47 39.806, F.S.; specifying that a parent or parents may
48 materially breach a case plan by action or inaction;
49 amending s. 39.811, F.S.; requiring the court to enter
50 a written order of disposition of the child following
51 termination of parental rights within a specified
52 timeframe; providing an effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Subsection (7) of section 39.001, Florida
57 Statutes, is amended, and paragraph (q) is added to subsection
58 (1) and paragraph (j) is added to subsection (3) of that

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59 section, to read:

60 39.001 Purposes and intent; personnel standards and
61 screening.—

62 (1) PURPOSES OF CHAPTER.—The purposes of this chapter are:

63 (g) To recognize the responsibility of:

64 1. The parent from whose custody a child has been taken to
65 take action to comply with the case plan so reunification with
66 the child may occur within the shortest period of time possible,
67 but not more than 1 year after removal or adjudication of the
68 child.

69 2. The department and its community-based care providers to
70 make reasonable efforts to finalize a family's permanency plan,
71 including assisting parents with developing strategies to
72 overcome barriers to case plan compliance.

73 3. The court to affirmatively determine what the barriers
74 are to timely reunification, and address such barriers as
75 frequently as needed to ensure compliance with the time
76 limitations established in this chapter.

77 (3) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of
78 the Legislature that the children of this state be provided with
79 the following protections:

80 (j) The ability to contact their guardian ad litem or
81 attorney ad litem, if appointed, by having that individual's
82 name entered on all orders of the court.

83 (7) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—
84 Parents, custodians, and guardians are deemed by the state to be
85 responsible for providing their children with sufficient
86 support, guidance, and supervision. The state further recognizes
87 that the ability of parents, custodians, and guardians to

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88 fulfill those responsibilities can be greatly impaired by
89 economic, social, behavioral, emotional, and related problems.
90 It is therefore the policy of the Legislature that it is the
91 state's responsibility to ensure that factors impeding the
92 ability of caregivers to fulfill their responsibilities are
93 identified through the dependency process and that appropriate
94 recommendations and services to address those problems are
95 considered in any judicial or nonjudicial proceeding. The
96 Legislature also recognizes that time is of the essence for
97 establishing permanency for a child in the dependency system.
98 Therefore, parents must take action to comply with the case plan
99 so reunification with the child may occur within the shortest
100 period of time possible, but not more than 1 year after removal
101 or adjudication of the child, including by notifying the parties
102 and the court of barriers to case plan compliance.

103 Section 2. Section 39.0136, Florida Statutes, is amended to
104 read:

105 39.0136 Time limitations; continuances.—

106 (1) The Legislature finds that time is of the essence for
107 establishing permanency for a child in the dependency system.
108 Time limitations are a right of the child which may not be
109 waived, extended, or continued at the request of any party
110 except as provided in this section.

111 (2) (a) All parties and the court must work together to
112 ensure that permanency is achieved as soon as possible for every
113 child through timely performance of their responsibilities under
114 this chapter.

115 (b) The department shall ensure that parents have the
116 information necessary to contact their caseworker. When a new

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117 caseworker is assigned to a case, the caseworker shall make a
118 timely and diligent effort to notify the parent and provide
119 updated contact information.

120 (3)~~(2)~~ The time limitations in this chapter do not include:

121 (a) Periods of delay resulting from a continuance granted
122 at the request of the child's counsel or the child's guardian ad
123 litem or, if the child is of sufficient capacity to express
124 reasonable consent, at the request or with the consent of the
125 child. The court must consider the best interests of the child
126 when determining periods of delay under this section.

127 (b) Periods of delay resulting from a continuance granted
128 at the request of any party if the continuance is granted:

129 1. Because of an unavailability of evidence that is
130 material to the case if the requesting party has exercised due
131 diligence to obtain evidence and there are substantial grounds
132 to believe that the evidence will be available within 30 days.
133 However, if the requesting party is not prepared to proceed
134 within 30 days, any other party may move for issuance of an
135 order to show cause or the court on its own motion may impose
136 appropriate sanctions, which may include dismissal of the
137 petition.

138 2. To allow the requesting party additional time to prepare
139 the case and additional time is justified because of an
140 exceptional circumstance.

141 (c) Reasonable periods of delay necessary to accomplish
142 notice of the hearing to the child's parent or legal custodian;
143 however, the petitioner shall continue regular efforts to
144 provide notice to the parents during the periods of delay.

145 (4)~~(3)~~ Notwithstanding subsection (3) ~~(2)~~, in order to

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146 expedite permanency for a child, the total time allowed for
147 continuances or extensions of time, including continuances or
148 extensions by the court on its own motion, may not exceed 60
149 days within any 12-month period for proceedings conducted under
150 this chapter.

151 (a) A continuance or extension of time may be granted only
152 for extraordinary circumstances in which it is necessary to
153 preserve the constitutional rights of a party or if substantial
154 evidence exists to demonstrate that without granting a
155 continuance or extension of time the child's best interests will
156 be harmed.

157 (b) The court may deny a request for extension of time to
158 achieve compliance with a case plan task if the parent failed to
159 notify the parties and the court within a reasonable time of
160 discovering the barrier to completion of the task.

161 (c) An order entered under this section shall specify the
162 new date for the continued hearing or deadline.

163 (5)~~(4)~~ Notwithstanding subsection (3) ~~(2)~~, a continuance or
164 an extension of time is limited to the number of days absolutely
165 necessary to complete a necessary task in order to preserve the
166 rights of a party or the best interests of a child.

167 Section 3. Subsections (2) and (5) of section 39.202,
168 Florida Statutes, are amended to read:

169 39.202 Confidentiality of reports and records in cases of
170 child abuse or neglect.—

171 (2) Except as provided in subsection (4), access to such
172 records, excluding the name of the reporter and the names of
173 instructional personnel as defined in s. 1012.01(2), school
174 administrators as defined in s. 1012.01(3)(c), and educational

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175 support employees as described in s. 1012.01(6)(a) who have
176 provided information during a protective investigation which
177 shall be released only as provided in subsection (5), shall be
178 granted only to the following persons, officials, and agencies:
179 (a) Employees, authorized agents, or contract providers of
180 the department, the Department of Health, the Agency for Persons
181 with Disabilities, the Office of Early Learning, or county
182 agencies responsible for carrying out:
183 1. Child or adult protective investigations;
184 2. Ongoing child or adult protective services;
185 3. Early intervention and prevention services;
186 4. Healthy Start services;
187 5. Licensure or approval of adoptive homes, foster homes,
188 child care facilities, facilities licensed under chapter 393,
189 family day care homes, providers who receive school readiness
190 funding under part VI of chapter 1002, or other homes used to
191 provide for the care and welfare of children;
192 6. Employment screening for caregivers in residential group
193 homes; or
194 7. Services for victims of domestic violence when provided
195 by certified domestic violence centers working at the
196 department's request as case consultants or with shared clients.
197
198 Also, employees or agents of the Department of Juvenile Justice
199 responsible for the provision of services to children, pursuant
200 to chapters 984 and 985.
201 (b) Criminal justice agencies of appropriate jurisdiction.
202 (c) The state attorney of the judicial circuit in which the
203 child resides or in which the alleged abuse or neglect occurred.

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204 (d) The parent or legal custodian of any child who is
205 alleged to have been abused, abandoned, or neglected, and the
206 child, and their attorneys, including any attorney representing
207 a child in civil or criminal proceedings. This access must ~~shall~~
208 be made available no later than 60 days after the department
209 receives the initial report of abuse, neglect, or abandonment.
210 However, any information otherwise made confidential or exempt
211 by law may ~~shall~~ not be released pursuant to this paragraph.

212 (e) Any person alleged in the report as having caused the
213 abuse, abandonment, or neglect of a child. This access must
214 ~~shall~~ be made available no later than 60 days after the
215 department receives the initial report of abuse, abandonment, or
216 neglect and, when the alleged perpetrator is not a parent, must
217 ~~shall~~ be limited to information involving the protective
218 investigation only and may ~~shall~~ not include any information
219 relating to subsequent dependency proceedings. However, any
220 information otherwise made confidential or exempt by law may
221 ~~shall~~ not be released pursuant to this paragraph.

222 (f) A court upon its finding that access to such records
223 may be necessary for the determination of an issue before the
224 court; however, such access must ~~shall~~ be limited to inspection
225 in camera, unless the court determines that public disclosure of
226 the information contained therein is necessary for the
227 resolution of an issue then pending before it.

228 (g) A grand jury, by subpoena, upon its determination that
229 access to such records is necessary in the conduct of its
230 official business.

231 (h) Any appropriate official of the department or the
232 Agency for Persons with Disabilities who is responsible for:

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233 1. Administration or supervision of the department's
234 program for the prevention, investigation, or treatment of child
235 abuse, abandonment, or neglect, or abuse, neglect, or
236 exploitation of a vulnerable adult, when carrying out his or her
237 official function;

238 2. Taking appropriate administrative action concerning an
239 employee of the department or the agency who is alleged to have
240 perpetrated child abuse, abandonment, or neglect, or abuse,
241 neglect, or exploitation of a vulnerable adult; or

242 3. Employing and continuing employment of personnel of the
243 department or the agency.

244 (i) Any person authorized by the department who is engaged
245 in the use of such records or information for bona fide
246 research, statistical, or audit purposes. Such individual or
247 entity shall enter into a privacy and security agreement with
248 the department and shall comply with all laws and rules
249 governing the use of such records and information for research
250 and statistical purposes. Information identifying the subjects
251 of such records or information shall be treated as confidential
252 by the researcher and may ~~shall~~ not be released in any form.

253 (j) The Division of Administrative Hearings for purposes of
254 any administrative challenge.

255 (k) Any appropriate official of an ~~a Florida~~ advocacy
256 council in this state investigating a report of known or
257 suspected child abuse, abandonment, or neglect; the Auditor
258 General or the Office of Program Policy Analysis and Government
259 Accountability for the purpose of conducting audits or
260 examinations pursuant to law; or the guardian ad litem for the
261 child.

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262 (l) Employees or agents of an agency of another state that
263 has comparable jurisdiction to the jurisdiction described in
264 paragraph (a).

265 (m) The Public Employees Relations Commission for the sole
266 purpose of obtaining evidence for appeals filed pursuant to s.
267 447.207. Records may be released only after deletion of all
268 information which specifically identifies persons other than the
269 employee.

270 (n) Employees or agents of the Department of Revenue
271 responsible for child support enforcement activities.

272 (o) Any person in the event of the death of a child
273 determined to be a result of abuse, abandonment, or neglect.
274 Information identifying the person reporting abuse, abandonment,
275 or neglect may ~~shall~~ not be released. Any information otherwise
276 made confidential or exempt by law may ~~shall~~ not be released
277 pursuant to this paragraph.

278 (p) An employee of the local school district who is
279 designated as a liaison between the school district and the
280 department pursuant to an interagency agreement required under
281 s. 39.0016 and the principal of a public school, private school,
282 or charter school where the child is a student. Information
283 contained in the records which the liaison or the principal
284 determines are necessary for a school employee to effectively
285 provide a student with educational services may be released to
286 that employee.

287 (q) An employee or agent of the Department of Education who
288 is responsible for the investigation or prosecution of
289 misconduct by a certified educator.

290 (r) Staff of a children's advocacy center that is

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291 established and operated under s. 39.3035.

292 (s) A physician licensed under chapter 458 or chapter 459,
293 a psychologist licensed under chapter 490, or a mental health
294 professional licensed under chapter 491 engaged in the care or
295 treatment of the child.

296 (t) Persons with whom the department is seeking to place
297 the child or to whom placement has been granted, including
298 foster parents for whom an approved home study has been
299 conducted, the designee of a licensed residential group home
300 described in s. 39.523, an approved relative or nonrelative with
301 whom a child is placed pursuant to s. 39.402, preadoptive
302 parents for whom a favorable preliminary adoptive home study has
303 been conducted, adoptive parents, or an adoption entity acting
304 on behalf of preadoptive or adoptive parents.

305 (5) (a) The name of any person reporting child abuse,
306 abandonment, or neglect may not be released to any person other
307 than employees of the department responsible for child
308 protective services, the central abuse hotline, law enforcement,
309 the child protection team, or the appropriate state attorney,
310 without the written consent of the person reporting. This does
311 not prohibit the subpoenaing of a person reporting child abuse,
312 abandonment, or neglect when deemed necessary by the court, the
313 state attorney, or the department, provided the fact that such
314 person made the report is not disclosed. Any person who reports
315 a case of child abuse or neglect may, at the time he or she
316 makes the report, request that the department notify him or her
317 that a child protective investigation occurred as a result of
318 the report. Any person specifically listed in s. 39.201(1) who
319 makes a report in his or her official capacity may also request

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320 a written summary of the outcome of the investigation. The
321 department must ~~shall~~ mail such a notice to the reporter within
322 10 days after completing the child protective investigation.

323 (b) The names of instructional personnel as defined in s.
324 1012.01(2), school administrators as defined in s.
325 1012.01(3)(c), and educational support employees as described in
326 s. 1012.01(6)(a) who have provided information during a
327 protective investigation may not be released to any person other
328 than employees of the department responsible for child
329 protective services, the central abuse hotline, law enforcement,
330 the child protection team, or the appropriate state attorney
331 without the written consent of such personnel.

332 Section 4. Paragraph (f) of subsection (14) and subsections
333 (15) and (18) of section 39.402, Florida Statutes, are amended
334 to read:

335 39.402 Placement in a shelter.—

336 (14) The time limitations in this section do not include:

337 (f) Continuances or extensions of time may not total more
338 than 60 days for all parties, and the court on its own motion,
339 within any 12-month period during proceedings under this
340 chapter. A continuance or extension beyond the 60 days may be
341 granted only for extraordinary circumstances necessary to
342 preserve the constitutional rights of a party or when
343 substantial evidence demonstrates that the child's best
344 interests will be affirmatively harmed without the granting of a
345 continuance or extension of time. When a continuance or
346 extension is granted, the order shall specify the new date for
347 the continued hearing or deadline.

348 (15) The department, at the conclusion of the shelter

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349 hearing, shall make available to parents or legal custodians
350 seeking voluntary services, any referral information necessary
351 for participation in such identified services to allow the
352 parents to begin the services immediately. The parents' or legal
353 custodians' participation in the services shall not be
354 considered an admission or other acknowledgment of the
355 allegations in the shelter petition.

356 (18) The court shall advise the parents in plain language
357 what is expected of them to achieve reunification with their
358 child, including that:

359 (a) Parents must take action to comply with the case plan
360 so reunification with the child may occur within the shortest
361 period of time possible, but not more than 1 year after removal
362 or adjudication of the child.

363 (b) Parents must stay in contact with their attorney and
364 their caseworker.

365 (c) Parents must notify the parties and the court of
366 barriers to completing case plan tasks within a reasonable time
367 after discovering such barriers.

368 (d) If the parents fail to substantially comply with the
369 case plan, their parental rights may be terminated and that the
370 child's out-of-home placement may become permanent.

371 Section 5. Paragraph (c) of subsection (7) of section
372 39.507, Florida Statutes, is amended to read:

373 39.507 Adjudicatory hearings; orders of adjudication.-

374 (7)

375 (c) If a court adjudicates a child dependent and the child
376 is in out-of-home care, the court shall inquire of the parent or
377 parents whether the parents have relatives who might be

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378 considered as a placement for the child. The parent or parents
379 shall provide the court and all parties with identification and
380 location information for such relatives. The court shall advise
381 the parents in plain language that:7

382 1. Parents must take action to comply with the case plan so
383 reunification with the child may occur within the shortest
384 period of time possible, but not more than 1 year after removal
385 or adjudication of the child.

386 2. Parents must stay in contact with their attorney and
387 their caseworker.

388 3. Parents must notify the parties and the court of
389 barriers to completing case plan tasks within a reasonable time
390 after discovering such barriers.

391 4. If the parents fail to substantially comply with the
392 case plan, their parental rights may be terminated and that the
393 child's out-of-home placement may become permanent. ~~The parent~~
394 ~~or parents shall provide to the court and all parties~~
395 ~~identification and location information of the relatives.~~

396 Section 6. Paragraph (a) of subsection (1) of section
397 39.521, Florida Statutes, is amended to read:

398 39.521 Disposition hearings; powers of disposition.—

399 (1) A disposition hearing shall be conducted by the court,
400 if the court finds that the facts alleged in the petition for
401 dependency were proven in the adjudicatory hearing, or if the
402 parents or legal custodians have consented to the finding of
403 dependency or admitted the allegations in the petition, have
404 failed to appear for the arraignment hearing after proper
405 notice, or have not been located despite a diligent search
406 having been conducted.

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407 (a) A written case plan and a family functioning assessment
408 prepared by an authorized agent of the department must be
409 approved by the court. The department must file the case plan
410 and the family functioning assessment with the court, serve
411 copies ~~a copy of the case plan~~ on the parents of the child, and
412 provide copies ~~a copy of the case plan~~ to the representative of
413 the guardian ad litem program, if the program has been
414 appointed, and copies ~~a copy~~ to all other parties:

415 1. Not less than 72 hours before the disposition hearing,
416 if the disposition hearing occurs on or after the 60th day after
417 the date the child was placed in out-of-home care. All such case
418 plans must be approved by the court.

419 2. Not less than 72 hours before the case plan acceptance
420 hearing, if the disposition hearing occurs before the 60th day
421 after the date the child was placed in out-of-home care and a
422 case plan has not been submitted pursuant to this paragraph, or
423 if the court does not approve the case plan at the disposition
424 hearing. The case plan acceptance hearing must occur within 30
425 days after the disposition hearing to review and approve the
426 case plan.

427 Section 7. Subsection (1) of section 39.522, Florida
428 Statutes, is amended to read:

429 39.522 Postdisposition change of custody.—The court may
430 change the temporary legal custody or the conditions of
431 protective supervision at a postdisposition hearing, without the
432 necessity of another adjudicatory hearing.

433 (1) At any time before a child achieves the permanency
434 placement approved at the permanency hearing, a child who has
435 been placed in the child's own home under the protective

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436 supervision of an authorized agent of the department, in the
437 home of a relative, in the home of a legal custodian, or in some
438 other place may be brought before the court by the department or
439 by any other interested person, upon the filing of a motion
440 ~~petition~~ alleging a need for a change in the conditions of
441 protective supervision or the placement. If the parents or other
442 legal custodians deny the need for a change, the court shall
443 hear all parties in person or by counsel, or both. Upon the
444 admission of a need for a change or after such hearing, the
445 court shall enter an order changing the placement, modifying the
446 conditions of protective supervision, or continuing the
447 conditions of protective supervision as ordered. The standard
448 for changing custody of the child shall be the best interest of
449 the child. When applying this standard, the court shall consider
450 the continuity of the child's placement in the same out-of-home
451 residence as a factor when determining the best interests of the
452 child. If the child is not placed in foster care, then the new
453 placement for the child must meet the home study criteria and
454 court approval pursuant to this chapter.

455 Section 8. Present subsections (4) through (8) of section
456 39.6011, Florida Statutes, are redesignated as subsections (5)
457 through (9), respectively, and paragraph (e) of subsection (2),
458 subsection (3), and present subsection (6) of that section are
459 amended, to read:

460 39.6011 Case plan development.—

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

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465 (e) A written notice to the parent that it is the parents'
466 responsibility to take action to comply with the case plan so
467 reunification with the child may occur within the shortest
468 period of time possible, but not more than 1 year after removal
469 or adjudication of the child; the parent must notify the parties
470 and the court of barriers to completing case plan tasks within a
471 reasonable time after discovering such barriers; failure of the
472 parent to substantially comply with the case plan may result in
473 the termination of parental rights;~~;~~ and ~~that~~ a material breach
474 of the case plan by the parent's action or inaction may result
475 in the filing of a petition for termination of parental rights
476 sooner than the compliance period set forth in the case plan.

477 (3) The case plan must be signed by all parties, except
478 that the signature of a child may be waived if the child is not
479 of an age or capacity to participate in the case-planning
480 process. Signing the case plan constitutes an acknowledgment
481 that the case plan has been developed by the parties and that
482 they are in agreement as to the terms and conditions contained
483 in the case plan. The refusal of a parent to sign the case plan
484 does not prevent the court from accepting the case plan if the
485 case plan is otherwise acceptable to the court. Signing the case
486 plan does not constitute an admission to any allegation of
487 abuse, abandonment, or neglect and does not constitute consent
488 to a finding of dependency or termination of parental rights.

489 (4) Before signing the case plan, the department shall
490 explain the provisions of the plan to all persons involved in
491 its implementation, including, when appropriate, the child. The
492 department shall ensure that the parent has contact information
493 for all entities necessary to complete the tasks in the plan.

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494 The department shall explain the strategies included in the plan
495 that the parent can use to overcome barriers to case plan
496 compliance and that if a barrier is discovered and the parties
497 are not actively working to overcome such barrier, the parent
498 must notify the parties and the court within a reasonable time
499 after discovering such barrier.

500 (7)~~(6)~~ After the case plan has been developed, the
501 department shall adhere to the following procedural
502 requirements:

503 (a) If the parent's substantial compliance with the case
504 plan requires the department to provide services to the parents
505 or the child and the parents agree to begin compliance with the
506 case plan before the case plan's acceptance by the court, the
507 department shall make the appropriate referrals for services
508 that will allow the parents to begin the agreed-upon tasks and
509 services immediately.

510 (b) All other referrals for services shall be completed as
511 soon as possible, but not more than 7 days after the date of the
512 case plan approval, unless the case plan specifies that a task
513 may not be undertaken until another specified task has been
514 completed.

515 (c)~~(b)~~ After the case plan has been agreed upon and signed
516 by the parties, a copy of the plan must be given immediately to
517 the parties, including the child if appropriate, and to other
518 persons as directed by the court.

519 1. A case plan must be prepared, but need not be submitted
520 to the court, for a child who will be in care no longer than 30
521 days unless that child is placed in out-of-home care a second
522 time within a 12-month period.

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523 2. In each case in which a child has been placed in out-of-
524 home care, a case plan must be prepared within 60 days after the
525 department removes the child from the home and shall be
526 submitted to the court before the disposition hearing for the
527 court to review and approve.

528 3. After jurisdiction attaches, all case plans must be
529 filed with the court, and a copy provided to all the parties
530 whose whereabouts are known, not less than 3 business days
531 before the disposition hearing. The department shall file with
532 the court, and provide copies to the parties, all case plans
533 prepared before jurisdiction of the court attached.

534 Section 9. Paragraph (b) of subsection (1) of section
535 39.6012, Florida Statutes, is amended, and subsection (4) is
536 added to that section, to read:

537 39.6012 Case plan tasks; services.—

538 (1) The services to be provided to the parent and the tasks
539 that must be completed are subject to the following:

540 (b) The case plan must describe each of the tasks with
541 which the parent must comply and the services to be provided to
542 the parent, specifically addressing the identified problem,
543 including:

544 1. The type of services or treatment.

545 2. The date the department will provide each service or
546 referral for the service if the service is being provided by the
547 department or its agent.

548 3. The date by which the parent must complete each task.

549 4. The frequency of services or treatment provided. The
550 frequency of the delivery of services or treatment provided
551 shall be determined by the professionals providing the services

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552 or treatment on a case-by-case basis and adjusted according to
553 their best professional judgment.

554 5. The location of the delivery of the services.

555 6. The staff of the department or service provider
556 accountable for the services or treatment.

557 7. A description of the measurable objectives, including
558 the timeframes specified for achieving the objectives of the
559 case plan and addressing the identified problem.

560 8. Strategies to overcome barriers to case plan compliance,
561 including, but not limited to, the provision of contact
562 information, information on acceptable alternative services or
563 providers, and an explanation that the parent must notify the
564 parties within a reasonable time of discovering a barrier that
565 the parties are not actively working to overcome.

566 Section 10. Subsection (7) of section 39.6013, Florida
567 Statutes, is amended to read:

568 39.6013 Case plan amendments.—

569 (7) Amendments must include service interventions that are
570 the least intrusive into the life of the parent and child, must
571 focus on clearly defined objectives, and must provide the most
572 efficient path to quick reunification or permanent placement
573 given the circumstances of the case and the child's need for
574 safe and proper care. A copy of the amended plan must be
575 immediately given to the persons identified in s. 39.6011(7)(c)
576 ~~s. 39.6011(6)(b)~~.

577 Section 11. Present subsections (7) through (10) of section
578 39.621, Florida Statutes, are redesignated as subsections (8)
579 through (11), respectively, subsection (5) and present
580 subsections (9), (10), and (11) are amended, and a new

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581 subsection (7) is added to that section, to read:

582 39.621 Permanency determination by the court.—

583 (5) At the permanency hearing, the court shall determine:

584 (a) Whether the current permanency goal for the child is
585 appropriate or should be changed.~~†~~

586 (b) When the child will achieve one of the permanency
587 goals.~~†~~ and

588 (c) Whether the department has made reasonable efforts to
589 finalize the permanency plan currently in effect.

590 (7) If the court determines that the child's goal is
591 appropriate but the child will be in out-of-home care for more
592 than 12 months before achieving permanency, in those cases where
593 the goal is reunification or adoption, the court shall hold
594 permanency status hearings for the child every 60 days until the
595 child reaches permanency or the court makes a determination that
596 it is in the child's best interest to change the permanency
597 goal.

598 ~~(10)~~~~(9)~~ The case plan must list the tasks necessary to
599 finalize the permanency placement and shall be updated at the
600 permanency hearing unless the child will achieve permanency
601 within 60 days after the hearing ~~if necessary~~. If a concurrent
602 case plan is in place, the court may choose between the
603 permanency goal options presented and shall approve the goal
604 that is in the child's best interest.

605 ~~(11)~~~~(10)~~ The permanency placement is intended to continue
606 until the child reaches the age of majority and may not be
607 disturbed absent a finding by the court that the circumstances
608 of the permanency placement are no longer in the best interest
609 of the child.

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610 (a) If, after a child has achieved the permanency placement
611 approved at the permanency hearing, a parent who has not had his
612 or her parental rights terminated makes a motion for
613 reunification or increased contact with the child, the court
614 shall hold a hearing to determine whether the dependency case
615 should be reopened and whether there should be a modification of
616 the order.

617 (b) At the hearing, the parent must demonstrate that the
618 safety, well-being, and physical, mental, and emotional health
619 of the child is not endangered by the modification.

620 (c) ~~(11)~~ The court shall base its decision concerning any
621 motion by a parent for reunification or increased contact with a
622 child on the effect of the decision on the safety, well-being,
623 and physical and emotional health of the child. Factors that
624 must be considered and addressed in the findings of fact of the
625 order on the motion must include:

626 1. ~~(a)~~ The compliance or noncompliance of the parent with
627 the case plan;

628 2. ~~(b)~~ The circumstances which caused the child's dependency
629 and whether those circumstances have been resolved;

630 3. ~~(e)~~ The stability and longevity of the child's placement;

631 4. ~~(d)~~ The preferences of the child, if the child is of
632 sufficient age and understanding to express a preference;

633 5. ~~(e)~~ The recommendation of the current custodian; and

634 6. ~~(f)~~ The recommendation of the guardian ad litem, if one
635 has been appointed.

636 Section 12. Paragraph (d) of subsection (2) of section
637 39.701, Florida Statutes, is amended to read:

638 39.701 Judicial review.—

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639 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
640 AGE.—

641 (d) *Orders.*—

642 1. Based upon the criteria set forth in paragraph (c) and
643 the recommended order of the citizen review panel, if any, the
644 court shall determine whether or not the social service agency
645 shall initiate proceedings to have a child declared a dependent
646 child, return the child to the parent, continue the child in
647 out-of-home care for a specified period of time, or initiate
648 termination of parental rights proceedings for subsequent
649 placement in an adoptive home. Amendments to the case plan must
650 be prepared as prescribed in s. 39.6013. If the court finds that
651 the prevention or reunification efforts of the department will
652 allow the child to remain safely at home or be safely returned
653 to the home, the court shall allow the child to remain in or
654 return to the home after making a specific finding of fact that
655 the reasons for the creation of the case plan have been remedied
656 to the extent that the child's safety, well-being, and physical,
657 mental, and emotional health will not be endangered.

658 2. The court shall return the child to the custody of the
659 parents at any time it determines that they have substantially
660 complied with the case plan, if the court is satisfied that
661 reunification will not be detrimental to the child's safety,
662 well-being, and physical, mental, and emotional health.

663 3. If, in the opinion of the court, the social service
664 agency has not complied with its obligations as specified in the
665 written case plan, the court may find the social service agency
666 in contempt, shall order the social service agency to submit its
667 plans for compliance with the agreement, and shall require the

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668 social service agency to show why the child could not safely be
669 returned to the home of the parents.

670 4. If, at any judicial review, the court finds that the
671 parents have failed to substantially comply with the case plan
672 to the degree that further reunification efforts are without
673 merit and not in the best interest of the child, on its own
674 motion, the court may order the filing of a petition for
675 termination of parental rights, whether or not the time period
676 as contained in the case plan for substantial compliance has
677 expired.

678 5. Within 6 months after the date that the child was placed
679 in shelter care, the court shall conduct a judicial review
680 hearing to review the child's permanency goal as identified in
681 the case plan. At the hearing the court shall make written
682 findings regarding the likelihood of the child's reunification
683 with the parent or legal custodian within 12 months after the
684 removal of the child from the home. If the court makes a written
685 finding that it is not likely that the child will be reunified
686 with the parent or legal custodian within 12 months after the
687 child was removed from the home, the department must file with
688 the court, and serve on all parties, a motion to amend the case
689 plan under s. 39.6013 and declare that it will use concurrent
690 planning for the case plan. The department must file the motion
691 within 10 business days after receiving the written finding of
692 the court. The department must attach the proposed amended case
693 plan to the motion. If concurrent planning is already being
694 used, the department must file with the court, and serve on all
695 parties, a motion to amend the case plan to reflect the
696 concurrent goal as the child's primary permanency goal, document

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697 the efforts the department is taking to complete the concurrent
698 goal, and identify any additional services needed to reach the
699 permanency goal by a date certain. The court may allow the
700 parties to continue to pursue a secondary goal if the court
701 determines that is in the best interest of the child ~~case plan~~
702 ~~must document the efforts the department is taking to complete~~
703 ~~the concurrent goal.~~

704 6. The court may issue a protective order in assistance, or
705 as a condition, of any other order made under this part. In
706 addition to the requirements included in the case plan, the
707 protective order may set forth requirements relating to
708 reasonable conditions of behavior to be observed for a specified
709 period of time by a person or agency who is before the court;
710 and the order may require any person or agency to make periodic
711 reports to the court containing such information as the court in
712 its discretion may prescribe.

713 Section 13. Paragraph (e) of subsection (1) of section
714 39.806, Florida Statutes, is amended to read:

715 39.806 Grounds for termination of parental rights.—

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

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

720 1. The child continues to be abused, neglected, or
721 abandoned by the parent or parents. The failure of the parent or
722 parents to substantially comply with the case plan for a period
723 of 12 months after an adjudication of the child as a dependent
724 child or the child's placement into shelter care, whichever
725 occurs first, constitutes evidence of continuing abuse, neglect,

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726 or abandonment unless the failure to substantially comply with
727 the case plan was due to the parent's lack of financial
728 resources or to the failure of the department to make reasonable
729 efforts to reunify the parent and child. The 12-month period
730 begins to run only after the child's placement into shelter care
731 or the entry of a disposition order placing the custody of the
732 child with the department or a person other than the parent and
733 the court's approval of a case plan having the goal of
734 reunification with the parent, whichever occurs first; or

735 2. The parent or parents have materially breached the case
736 plan by their action or inaction. Time is of the essence for
737 permanency of children in the dependency system. In order to
738 prove the parent or parents have materially breached the case
739 plan, the court must find by clear and convincing evidence that
740 the parent or parents are unlikely or unable to substantially
741 comply with the case plan before time to comply with the case
742 plan expires.

743 3. The child has been in care for any 12 of the last 22
744 months and the parents have not substantially complied with the
745 case plan so as to permit reunification under s. 39.522(2)
746 unless the failure to substantially comply with the case plan
747 was due to the parent's lack of financial resources or to the
748 failure of the department to make reasonable efforts to reunify
749 the parent and child.

750 Section 14. Subsection (5) of section 39.811, Florida
751 Statutes, is amended to read:

752 39.811 Powers of disposition; order of disposition.—

753 (5) If the court terminates parental rights, the court
754 shall enter a written order of disposition within 30 days after

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755 conclusion of the hearing briefly stating the facts upon which
756 its decision to terminate the parental rights is made. An order
757 of termination of parental rights, whether based on parental
758 consent or after notice served as prescribed in this part,
759 permanently deprives the parents of any right to the child.

760 Section 15. This act shall take effect July 1, 2018.