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LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Albritton) recommended the following:

Senate Amendment (with title amendment)

Delete lines 65 - 427

and insert:

Statutes, is amended, and paragraph (j) is added to subsection (3) of that section, to read:

39.001 Purposes and intent; personnel standards and screening.—

(3) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of the Legislature that the children of this state be provided with



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11 the following protections:

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

15 (7) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—
16 Parents, custodians, and guardians are deemed by the state to be
17 responsible for providing their children with sufficient
18 support, guidance, and supervision. The state further recognizes
19 that the ability of parents, custodians, and guardians to
20 fulfill those responsibilities can be greatly impaired by
21 economic, social, behavioral, emotional, and related problems.
22 It is therefore the policy of the Legislature that it is the
23 state's responsibility to ensure that factors impeding the
24 ability of caregivers to fulfill their responsibilities are
25 identified through the dependency process and that appropriate
26 recommendations and services to address those problems are
27 considered in any judicial or nonjudicial proceeding. The
28 Legislature also recognizes that time is of the essence for
29 establishing permanency for a child in the dependency system.
30 Therefore, parents must take action to comply with the case plan
31 so permanency with the child may occur within the shortest
32 period of time possible, but no later than 1 year after removal
33 or adjudication of the child, including by notifying the parties
34 and the court of barriers to case plan compliance.

35 Section 1. Section 39.0136, Florida Statutes, is amended to
36 read:

37 39.0136 Time limitations; continuances.—

38 (1) The Legislature finds that time is of the essence for
39 establishing permanency for a child in the dependency system.



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40 Time limitations are a right of the child which may not be
41 waived, extended, or continued at the request of any party
42 except as provided in this section.

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

47 (b) The department shall ensure that parents have the
48 information necessary to contact their case manager. When a new
49 case manager is assigned to a case, the case manager must make a
50 timely and diligent effort to notify the parent and provide
51 updated contact information.

52 (3) ~~(2)~~ The time limitations in this chapter do not include:

53 (a) Periods of delay resulting from a continuance granted
54 at the request of the child's counsel or the child's guardian ad
55 litem or, if the child is of sufficient capacity to express
56 reasonable consent, at the request or with the consent of the
57 child. The court must consider the best interests of the child
58 when determining periods of delay under this section.

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

61 1. Because of an unavailability of evidence that is
62 material to the case if the requesting party has exercised due
63 diligence to obtain evidence and there are substantial grounds
64 to believe that the evidence will be available within 30 days.
65 However, if the requesting party is not prepared to proceed
66 within 30 days, any other party may move for issuance of an
67 order to show cause or the court on its own motion may impose
68 appropriate sanctions, which may include dismissal of the



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69 petition.

70 2. To allow the requesting party additional time to prepare
71 the case and additional time is justified because of an
72 exceptional circumstance.

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

77 (4)~~(3)~~ Notwithstanding subsection (3) ~~(2)~~, in order to
78 expedite permanency for a child, the total time allowed for
79 continuances or extensions of time, including continuances or
80 extensions by the court on its own motion, may not exceed 60
81 days within any 12-month period for proceedings conducted under
82 this chapter. A continuance or extension of time may be granted
83 only for extraordinary circumstances in which it is necessary to
84 preserve the constitutional rights of a party or if substantial
85 evidence exists to demonstrate that without granting a
86 continuance or extension of time the child's best interests will
87 be harmed.

88 (5)~~(4)~~ Notwithstanding subsection (3) ~~(2)~~, a continuance or
89 an extension of time is limited to the number of days absolutely
90 necessary to complete a necessary task in order to preserve the
91 rights of a party or the best interests of a child.

92 Section 2. Paragraph (f) of subsection (14) and subsections
93 (15) and (18) of section 39.402, Florida Statutes, are amended
94 to read:

95 39.402 Placement in a shelter.—

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

97 (f) Continuances or extensions of time may not total more



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98 than 60 days for all parties and the court on its own motion
99 within any 12-month period during proceedings under this
100 chapter. A continuance or extension beyond the 60 days may be
101 granted only for extraordinary circumstances necessary to
102 preserve the constitutional rights of a party or when
103 substantial evidence demonstrates that the child's best
104 interests will be affirmatively harmed without the granting of a
105 continuance or extension of time.

106 (15) The department, at the conclusion of the shelter
107 hearing, shall make available to parents or legal custodians
108 seeking voluntary services, ~~any~~ referral information necessary
109 for participation in such identified services to allow the
110 parents or legal custodians to begin the services as soon as
111 possible. The parents' or legal custodians' participation in the
112 services may ~~shall~~ not be considered an admission or other
113 acknowledgment of the allegations in the shelter petition.

114 (18) The court shall advise the parents in plain language
115 what is expected of them to achieve reunification with their
116 child, including that:~~7~~

117 (a) Parents must take action to comply with the case plan
118 so permanency with the child may occur within the shortest
119 period of time possible, but no later than 1 year after removal
120 or adjudication of the child.

121 (b) Parents must stay in contact with their attorney and
122 their case manager and provide updated contact information if
123 the parents' phone number, address, or e-mail address changes.

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



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

130 Section 3. Paragraph (c) of subsection (7) of section
131 39.507, Florida Statutes, is amended to read:

132 39.507 Adjudicatory hearings; orders of adjudication.—
133 (7)

134 (c) If a court adjudicates a child dependent and the child
135 is in out-of-home care, the court shall inquire of the parent or
136 parents whether the parents have relatives who might be
137 considered as a placement for the child. The parent or parents
138 shall provide the court and all parties with identification and
139 location information for such relatives. The court shall advise
140 the parents in plain language that:7

141 1. Parents must take action to comply with the case plan so
142 permanency with the child may occur within the shortest period
143 of time possible, but no later than 1 year after removal or
144 adjudication of the child.

145 2. Parents must stay in contact with their attorney and
146 their case manager and provide updated contact information if
147 the parents' phone number, address, or e-mail address changes.

148 3. Parents must notify the parties and the court of
149 barriers to completing case plan tasks within a reasonable time
150 after discovering such barriers.

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



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156 Section 4. Paragraph (a) of subsection (1) of section
157 39.521, Florida Statutes, is amended to read:

158 39.521 Disposition hearings; powers of disposition.—

159 (1) A disposition hearing shall be conducted by the court,
160 if the court finds that the facts alleged in the petition for
161 dependency were proven in the adjudicatory hearing, or if the
162 parents or legal custodians have consented to the finding of
163 dependency or admitted the allegations in the petition, have
164 failed to appear for the arraignment hearing after proper
165 notice, or have not been located despite a diligent search
166 having been conducted.

167 (a) A written case plan and a family functioning assessment
168 prepared by an authorized agent of the department must be
169 approved by the court. The department must file the case plan
170 and the family functioning assessment with the court, serve
171 copies ~~a copy of the case plan~~ on the parents of the child, and
172 provide copies ~~a copy of the case plan to the representative of~~
173 ~~the guardian ad litem program, if the program has been~~
174 ~~appointed, and a copy~~ to all other parties:

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

179 2. Not less than 72 hours before the case plan acceptance
180 hearing, if the disposition hearing occurs before the 60th day
181 after the date the child was placed in out-of-home care and a
182 case plan has not been submitted pursuant to this paragraph, or
183 if the court does not approve the case plan at the disposition
184 hearing. The case plan acceptance hearing must occur within 30



185 days after the disposition hearing to review and approve the
186 case plan.

187 Section 5. Subsection (1) of section 39.522, Florida
188 Statutes, is amended to read:

189 39.522 Postdisposition change of custody.—The court may
190 change the temporary legal custody or the conditions of
191 protective supervision at a postdisposition hearing, without the
192 necessity of another adjudicatory hearing.

193 (1) At any time before a child achieves the permanency
194 placement approved at the permanency hearing, a child who has
195 been placed in the child's own home under the protective
196 supervision of an authorized agent of the department, in the
197 home of a relative, in the home of a legal custodian, or in some
198 other place may be brought before the court by the department or
199 by any other interested person, upon the filing of a motion
200 ~~petition~~ alleging a need for a change in the conditions of
201 protective supervision or the placement. If the parents or other
202 legal custodians deny the need for a change, the court shall
203 hear all parties in person or by counsel, or both. Upon the
204 admission of a need for a change or after such hearing, the
205 court shall enter an order changing the placement, modifying the
206 conditions of protective supervision, or continuing the
207 conditions of protective supervision as ordered. The standard
208 for changing custody of the child shall be the best interest of
209 the child. When applying this standard, the court shall consider
210 the continuity of the child's placement in the same out-of-home
211 residence as a factor when determining the best interests of the
212 child. If the child is not placed in foster care, then the new
213 placement for the child must meet the home study criteria and



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214 court approval pursuant to this chapter.

215 Section 6. Present subsections (4) through (8) of section
216 39.6011, Florida Statutes, are redesignated as subsections (5)
217 through (9), respectively, paragraph (e) of subsection (2) and
218 present subsection (6) of that section are amended, and a new
219 subsection (4) is added to that section, to read:

220 39.6011 Case plan development.—

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

225 (e) A written notice to the parent that it is the parent's
226 responsibility to take action to comply with the case plan so
227 permanency with the child may occur within the shortest period
228 of time possible, but no later than 1 year after removal or
229 adjudication of the child; the parent must notify the parties
230 and the court of barriers to completing case plan tasks within a
231 reasonable time after discovering such barriers if the parties
232 are not actively working to overcome them; failure of the parent
233 to substantially comply with the case plan may result in the
234 termination of parental rights; ~~7~~ and that a material breach of
235 the case plan by the parent's action or inaction may result in
236 the filing of a petition for termination of parental rights
237 sooner than the compliance period set forth in the case plan.

238 (4) Before signing the case plan, the department shall
239 explain the provisions of the plan to all persons involved in
240 its implementation, including, when appropriate, the child. The
241 department shall ensure that the parent has contact information
242 for all entities necessary to complete the tasks in the plan.



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243 The department shall explain the strategies included in the plan
244 which the parent can use to overcome barriers to case plan
245 compliance and shall explain that if a barrier is discovered and
246 the parties are not actively working to overcome such barrier,
247 the parent must notify the parties and the court within a
248 reasonable time after discovering such barrier.

249 (7) ~~(6)~~ After the case plan has been developed, the
250 department shall adhere to the following procedural
251 requirements:

252 (a) If the parent's substantial compliance with the case
253 plan requires the department to provide services to the parents
254 or the child and the parents agree to begin compliance with the
255 case plan before the case plan's acceptance by the court, the
256 department shall make the appropriate referrals for services
257 that will allow the parents to begin the agreed-upon tasks and
258 services immediately.

259 (b) All other referrals for services must be completed as
260 soon as possible, but no later than 7 days after the date of the
261 case plan approval, unless the case plan specifies that a task
262 may not be undertaken until another specified task has been
263 completed or otherwise approved by the court.

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

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



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

277 3. After jurisdiction attaches, all case plans must be
278 filed with the court, and a copy provided to all the parties
279 whose whereabouts are known, not less than 3 business days
280 before the disposition hearing. The department shall file with
281 the court, and provide copies to the parties, all case plans
282 prepared before jurisdiction of the court attached.

283 Section 7. Paragraph (b) of subsection (1) of section
284 39.6012, Florida Statutes, is amended to read:

285 39.6012 Case plan tasks; services.—

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

288 (b) The case plan must describe each of the tasks with
289 which the parent must comply and the services to be provided to
290 the parent, specifically addressing the identified problem,
291 including:

292 1. The type of services or treatment.

293 2. The date the department will provide each service or
294 referral for the service if the service is being provided by the
295 department or its agent.

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

297 4. The frequency of services or treatment provided. The
298 frequency of the delivery of services or treatment provided
299 shall be determined by the professionals providing the services
300 or treatment on a case-by-case basis and adjusted according to



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301 their best professional judgment.

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

303 6. The staff of the department or service provider
304 accountable for the services or treatment.

305 7. A description of the measurable objectives, including
306 the timeframes specified for achieving the objectives of the
307 case plan and addressing the identified problem.

308 8. Strategies to overcome barriers to case plan compliance
309 and an explanation that the parent must notify the parties and
310 the court within a reasonable time after discovering a barrier
311 that the parties are not actively working to overcome such
312 barrier.

313 Section 8. Subsection (8) of section 39.6013, Florida
314 Statutes, is amended to read:

315 39.6013 Case plan amendments.—

316 (8) Amendments must include service interventions that are
317 the least intrusive into the life of the parent and child, must
318 focus on clearly defined objectives, and must provide the most
319 efficient path to quick reunification or permanent placement
320 given the circumstances of the case and the child's need for
321 safe and proper care. A copy of the amended plan must be
322 immediately given to the persons identified in s. 39.6011(7)(c)
323 ~~s. 39.6011(6)(b)~~.

324 Section 9. Present subsections (7) through (10) of section
325 39.621, Florida Statutes, are redesignated as subsections (8)
326 through (11), respectively, present subsections (9), (10), and
327 (11) of that section are amended, and a new subsection (7) is
328 added to that section, to read:

329 39.621 Permanency determination by the court.—



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330 (7) If the court determines that the child's goal is
331 appropriate but the child will be in out-of-home care for more
332 than 12 months before achieving permanency, in those cases where
333 the goal is reunification or adoption, the court must hold
334 permanency status hearings for the child every 60 days until the
335 child reaches the specified permanency goal or the court
336 determines it is in the child's best interest to change the
337 permanency goal.

338 (10)~~(9)~~ The case plan must list the tasks necessary to
339 finalize the permanency placement and shall be updated at the
340 permanency hearing unless the child will achieve permanency
341 within 60 days after the hearing if necessary. If a concurrent
342 case plan is in place, the court may choose between the
343 permanency goal options presented and shall approve the goal
344 that is in the child's best interest.

345 (11)~~(10)~~ The permanency placement is intended to continue
346 until the child reaches the age of majority and may not be
347 disturbed absent a finding by the court that the circumstances
348 of the permanency placement are no longer in the best interest
349 of the child.

350 (a) If, after a child is residing in the permanent
351 placement

353 ===== T I T L E A M E N D M E N T =====

354 And the title is amended as follows:

355 Delete lines 3 - 27

356 and insert:

357 F.S.; providing for the name of a child's guardian ad
358 litem or attorney ad litem to be entered on court



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359 orders in dependency proceedings; amending s. 39.0136,
360 F.S.; requiring cooperation between certain parties
361 and the court to achieve permanency for a child as
362 soon as possible; requiring the Department of Children
363 and Families to ensure that parents have the
364 information necessary to contact their case manager;
365 requiring that a new case manager who is assigned to a
366 case notify the parent and provide updated contact
367 information; specifying that continuances and
368 extensions of time by the court on its own motion may
369 not exceed a certain period of time; amending s.
370 39.402, F.S.; specifying that time limitations
371 governing placement of a child in a shelter do not
372 include continuances requested by the court; requiring
373 the court to advise parents in plain language what is
374 expected of them to achieve reunification with their
375 child; expanding the requirements that parents must
376 meet to achieve reunification with their child;
377 amending s. 39.507, F.S.; requiring the court during
378 an adjudicatory hearing to advise parents in plain
379 language of certain requirements to achieve permanency
380 with their child; expanding the