

By the Committee on Family Law & Children and  
Representative Sanderson

1                                   A bill to be entitled  
2           An act relating to adoption; amending s.  
3           39.001, F.S.; providing legislative intent;  
4           amending s. 39.01, F.S.; providing a  
5           definition; amending s. 39.45, F.S.;  
6           prohibiting the delay of an adoption because a  
7           sibling is not also placed in the same home;  
8           amending s. 39.451, F.S.; providing for  
9           adoptive placement by a licensed child-placing  
10          agency or an intermediary; amending s. 39.453,  
11          F.S.; revising language with respect to  
12          judicial review; amending s. 39.456, F.S.;  
13          conforming provisions; amending s. 39.464,  
14          F.S.; including reference to an intermediary  
15          with respect to termination of parental rights;  
16          amending s. 39.469, F.S.; providing that  
17          licensed child-placing agencies and  
18          intermediaries have exclusive authority for  
19          adoptive placement of children committed to the  
20          Department of Children and Family Services;  
21          amending s. 39.47, F.S.; providing procedures;  
22          amending ss. 39.471, 39.473, F.S.; conforming  
23          provisions; amending s. 409.166, F.S.;  
24          redefining the term "special needs child";  
25          amending s. 409.167, F.S.; revising language  
26          with respect to the statewide adoption  
27          exchange; amending s. 63.072, F.S.; relating to  
28          persons whose consent to an adoption may be  
29          waived; amending s. 63.092, F.S.; revising  
30          language with respect to the preliminary home  
31          study; providing for certain documentation;

1           amending s. 63.097, F.S.; providing for  
2           reimbursement of certain fees; providing an  
3           effective date.

4  
5 Be It Enacted by the Legislature of the State of Florida:

6  
7           Section 1. Paragraphs (b) and (d) of subsection (1) of  
8           section 39.001, Florida Statutes, 1996 Supplement, are amended  
9           to read:

10           39.001 Purposes and intent; personnel standards and  
11           screening.--

12           (1) The purposes of this chapter are:

13           (b) To provide for the care, safety, and protection of  
14           children in an environment that fosters healthy social,  
15           emotional, intellectual, and physical development; to ensure  
16           secure and safe custody; and to promote the health and  
17           well-being of all children within ~~under~~ the state and under  
18           the jurisdiction of the state's courts ~~state's care~~.

19           (d)1. To preserve and strengthen the child's family  
20           ties whenever possible, removing the child from parental  
21           custody only when his or her welfare or the safety and  
22           protection of the public cannot be adequately safeguarded  
23           without such removal; and, when the child is removed from his  
24           or her own family, to secure for the child custody, care, and  
25           discipline as nearly as possible equivalent to that which  
26           should have been given by the parents; and to assure, in all  
27           cases in which a child must be permanently removed from  
28           parental custody, that the child be placed in an approved  
29           family home, adoptive home, independent living program, or  
30           other placement that provides the most stable and permanent  
31           living arrangement for the child, as determined by the court.

- 1           2. To assure that all children who are the subject of  
2 an order terminating parental rights are expeditiously placed  
3 into permanent homes and adopted.
- 4           3. To assure that no child remains in the department's  
5 custody longer than absolutely necessary.
- 6           4. To reduce long-term emotional and psychological  
7 damage to children by mandating that a permanent adoptive  
8 placement plan be immediately effectuated for each dependent  
9 child upon termination of his or her parents' rights.
- 10          5. To assure that a termination of parental rights  
11 will be effectuated no later than 18 months following a child  
12 being declared dependent.
- 13          6. To mandate the department's cooperation with  
14 private child-placing agencies and intermediaries in the  
15 adoptive placement of all children whose parents' rights have  
16 been terminated.
- 17          7. To assure that all prospective adoptive parents are  
18 considered for placement of such children.
- 19          8. To maximize the likelihood of success in adoptive  
20 placements.
- 21          9. To mandate dependency court approval of all  
22 proposed adoptive placements of children under the protective  
23 supervision of the department and to grant authority to the  
24 court to enter any order necessary to protect and promote the  
25 best interests of the child.
- 26          10. To expand the department's current contracts with  
27 private child-placing agencies to include all adoptive  
28 placements for children whose parents' rights have been  
29 terminated and whose foster parents and relatives are  
30 unwilling or unable to adopt.
- 31

1           Section 2. Present subsections (35) through (76) of  
2 section 39.01, Florida Statutes, 1996 Supplement, are  
3 redesignated as subsections (36) through (77), respectively,  
4 and a new subsection (35) is added to said section to read:

5           39.01 Definitions.--When used in this chapter:

6           (35) "Intermediary" means a licensed attorney who is a  
7 member of The Florida Bar and authorized by chapter 63 to  
8 place a child for adoption.

9           Section 3. Subsection (2) of section 39.45, Florida  
10 Statutes, is amended and renumbered as subsection (3) and a  
11 new subsection (2) is added to said section to read:

12           39.45 Legislative intent.--

13           (2) It is the intent of the Legislature to:

14           (a) Assure that no child remains in foster care longer  
15 than absolutely necessary.

16           (b) Reduce long-term emotional and psychological  
17 damage to children by mandating that a permanent adoptive  
18 placement plan be expeditiously effectuated for each dependent  
19 child upon termination of his or her parents' rights.

20           (c) Assure that all children who are the subject of an  
21 order terminating parental rights are expeditiously placed  
22 into permanent homes and adopted.

23           (d) To expand the department's current contracts with  
24 private child-placing agencies to include all adoptive  
25 placements for children whose parents' rights have been  
26 terminated and whose foster parents and relatives are  
27 unwilling or unable to adopt.

28           (e) Maximize the likelihood of success in adoptive  
29 placements.

30           ~~(3)(2)~~ It is the intent of the Legislature that each  
31 child be assured the care, guidance, and control in a

1 permanent home which will serve the best interests of the  
2 child's moral, emotional, mental, and physical welfare and  
3 that such home preferably be the child's own home or, if that  
4 is not possible, an adoptive home. It is the further intent of  
5 the Legislature that, if neither of those options is  
6 achievable, other options for the child as set out in this  
7 section be pursued. When a child must be taken into foster  
8 care, it is the intent of the Legislature that the parent or  
9 guardian from whose custody the child has been taken assist  
10 the department to the fullest extent possible to locate  
11 relatives suitable to serve as caretakers for the child. It is  
12 the intent of the Legislature that permanent placement with  
13 the biological or adoptive family be achieved as soon as  
14 possible for every child in foster care and that no child  
15 remain in foster care longer than 1 year. It is the further  
16 intent of the Legislature that a child be reunited with the  
17 child's natural family whenever possible and, when not  
18 possible, that the child be permanently placed for adoption  
19 or, when neither option is achievable, that the child be  
20 prepared for alternative permanency goals or placements to  
21 include, but not be limited to, long-term foster care,  
22 independent living, custody to a relative on a permanent basis  
23 with or without legal guardianship, or custody to a foster  
24 parent on a permanent basis with or without legal  
25 guardianship. It is the intent of the Legislature, therefore,  
26 to help ensure a permanent home for a child in foster care by  
27 requiring a case plan or, if the child's natural parents will  
28 not or cannot participate in a case plan, a permanent  
29 placement plan and a periodic review and report to the court  
30 on the child's status. When two or more children in foster  
31 care are siblings, every reasonable attempt shall be made to

1 place them in the same foster home; in the event of permanent  
2 placement of the siblings, to place them in the same adoptive  
3 home; and, if the siblings are separated, to keep them in  
4 contact with each other. The inability to place siblings in  
5 the same adoptive home, however, must not delay or preclude  
6 the immediate placement of one child in an otherwise  
7 appropriate and available home if the court determines such  
8 placement to be in the individual child's best interest.

9 Section 4. Subsections (1) and (2) of section 39.451,  
10 Florida Statutes, are amended to read:

11 39.451 Case planning for children in foster care.--

12 (1) In presenting the case plan to the court, the  
13 purpose of a case plan is to ensure permanency for children  
14 through recording the actions to be taken by the parties  
15 involved in order to quickly assure the safe return of the  
16 child to the parents or, if this is not possible, the  
17 termination of parental rights and the placement of the child  
18 with the department by ~~or~~ a licensed child-placing agency or  
19 an intermediary for the purpose of finding a permanent  
20 adoptive home. Permanent adoptive placement should be ~~is~~ the  
21 primary permanency goal when parental rights are terminated ~~a~~  
22 ~~child is permanently placed with the department or a licensed~~  
23 ~~child-placing agency.~~ Continuity of the ties and attachments  
24 between the child and relatives and the child and the child's  
25 foster parents shall be preserved by the following:

26 (a) Relatives, whether or not they are foster parents,  
27 may choose to provide a permanent home for the child without  
28 the legal step of adoption.

29 (b) Nonrelative foster parents of the child shall have  
30 3 months from the time the termination of parental rights  
31 petition is granted.

1           (c) When the child's relatives have stated that they  
2 cannot provide a permanent home for the child and foster  
3 parents have stated that they are unwilling or unable to  
4 adopt, then an intermediary or licensed adoption agency shall  
5 pursue an adoptive placement for these children. Later  
6 consideration of foster parents or relatives shall not be  
7 precluded.~~If it is not possible to find a permanent adoptive~~  
8 ~~home, the case plan must record the actions taken for~~  
9 ~~preparing the child for alternative permanency goals or~~  
10 ~~placements such as long-term foster care or independent~~  
11 ~~living.~~

12           (2) The case plan must be limited to as short a period  
13 as possible for the accomplishments of its provisions. To  
14 balance the need for the child to achieve permanency in a  
15 timely manner and the right of the parents to have an  
16 opportunity to complete the objectives of the case plan when  
17 reunification is the primary goal an alternative permanency  
18 goal must also be selected.Unless extended under s.  
19 39.453(8), the plan expires no later than 18 months after the  
20 date the child was initially removed from the home.

21           Section 5. Paragraph (c) of subsection (1) and  
22 paragraph (c) of subsection (6) of section 39.453, Florida  
23 Statutes, are amended to read:

24           39.453 Judicial review.--

25           (1)

26           (c) After termination of parental rights, the court  
27 shall retain jurisdiction over any child for whom custody is  
28 given to a social service agency until the child is adopted.  
29 The jurisdiction of the court after termination of parental  
30 rights and custody is given to the agency is for the purpose  
31 of reviewing the status of the child and the progress being

1 made toward permanent adoptive placement by the department, an  
2 agency, or an intermediary. As part of the continuing  
3 jurisdiction, the court shall determine the appropriateness of  
4 the adoptive placement of the child.~~As part of this~~  
5 ~~continuing jurisdiction, for good cause shown by the guardian~~  
6 ~~ad litem for the child, the court may review the~~  
7 ~~appropriateness of the adoptive placement of the child.~~

8 (6)

9 (c) In a case in which the child has been permanently  
10 placed with the social service agency, the agency shall  
11 furnish to the court a written report concerning the progress  
12 being made to place the child for adoption by the department,  
13 an agency, or an intermediary. If, as stated in s. 39.451(1),  
14 the child cannot be placed for adoption, a report on the  
15 progress made by the child in alternative permanency goals or  
16 placements, including, but not limited to, long-term foster  
17 care, independent living, custody to a relative or adult  
18 nonrelative approved by the court on a permanent basis with or  
19 without legal guardianship, or custody to a foster parent on a  
20 permanent basis with or without legal guardianship, must be  
21 submitted to the court. The report must be submitted to the  
22 court at least 48 hours before each scheduled judicial review.

23 Section 6. Section 39.456, Florida Statutes, is  
24 amended to read:

25 39.456 Exemptions.--This part does not apply to:

26 (1) Minors who have been placed in adoptive homes by  
27 the department or by a licensed child-placing agency or an  
28 intermediary;

29 (2) Minors who are refugees or entrants to whom  
30 federal regulations apply and who are in the care of a social  
31 service agency; or



1 (3) Minors who are the subjects of termination of  
2 parental rights cases pursuant to s. 39.464.

3 Section 7. Paragraph (a) of subsection (1) of section  
4 39.464, Florida Statutes, is amended to read:

5 39.464 Grounds for termination of parental rights.--

6 (1) The department, the guardian ad litem, a licensed  
7 child-placing agency, or any person who has knowledge of the  
8 facts alleged or who is informed of said facts and believes  
9 that they are true, may petition for the termination of  
10 parental rights under any of the following circumstances:

11 (a) When the parent or parents have voluntarily  
12 executed a written surrender of the child and consented to the  
13 entry of an order giving custody of the child to the  
14 department or to a licensed child-placing agency or  
15 intermediary for subsequent adoption and the department, ~~or~~  
16 licensed child-placing agency or intermediary is willing to  
17 accept custody of the child.

18 1. The surrender document must be executed before two  
19 witnesses and a notary public or other person authorized to  
20 take acknowledgments.

21 2. The surrender and consent may be withdrawn ~~after~~  
22 ~~acceptance by the department or licensed child-placing agency~~  
23 only after a finding by the court that the surrender and  
24 consent were obtained by fraud or duress.

25 Section 8. Subsection (2) of section 39.469, Florida  
26 Statutes, is amended to read:

27 39.469 Powers of disposition; order of disposition.--

28 (2) If the court finds that the grounds for  
29 termination of parental rights have been established by clear  
30 and convincing evidence, the court shall, by order, place the  
31 child in the custody of the department for the purpose of an

1 adoptive placement by the department, a licensed child-placing  
2 agency, or an intermediary ~~adoption or place the child in the~~  
3 ~~custody of a licensed child-placing agency for the purpose of~~  
4 ~~adoption.~~ Through the adoption exchange, as authorized in s.  
5 409.167, the department shall make available to all licensed  
6 child-placing agencies and intermediaries the name of any  
7 child who is legally available for adoption and whose  
8 nonrelative foster parents are unwilling or unable to adopt  
9 the child. The licensed child-placing agencies and  
10 intermediaries have shared responsibility with the department  
11 for the adoptive placement of these children.

12 Section 9. Subsections (1) and (2) of section 39.47,  
13 Florida Statutes, are amended to read:

14 39.47 Post disposition relief.--

15 (1) In the case of a child under the protective  
16 supervision of the department, a licensed child-placing agency  
17 or an intermediary with authority to place ~~the department~~  
18 ~~which is given custody of~~ a child for ~~subsequent~~ adoption in  
19 ~~accordance with this chapter~~ may place a the child in a family  
20 home for ~~prospective subsequent~~ adoption provided that:

21 (a) All the procedures and prerequisites for an  
22 adoptive placement under chapter 63 are completed;

23 (b) All documents evidencing compliance with chapter  
24 63 are filed with the court;

25 (c) The dependency court shall determine the  
26 appropriateness of the prospective adoptive home and determine  
27 that the prospective adoptive parents have received full  
28 disclosure concerning the history of the child and are willing  
29 and able to provide for all current and future recommendations  
30 of the mental health providers working with the child; and

31

1           (d) The adoption is in the manifest best interest of  
2 the child as determined by the court after having considered  
3 and evaluated all relevant factors; including, but not limited  
4 to:

5           1. The ability and disposition of the prospective  
6 adoptive parent or parents to provide the child with food,  
7 clothing, medical care or other remedial care recognized and  
8 permitted under state law.

9           2. The capacity of the parent or parents to care for  
10 the child to the extent that the child's health and well-being  
11 will be enhanced upon placement in the prospective adoptive  
12 home.

13           3. The present mental and physical health needs of the  
14 child and such future needs of the child as can be determined  
15 and the capacity of the prospective adoptive parents to meet  
16 those needs.

17           4. The child's ability to form a significant  
18 relationship with a parental substitute and the likelihood  
19 that the child will enter into a more stable and permanent  
20 family relationship as a result of permanent adoptive  
21 placement with the prospective adoptive parent or parents.

22           5. The length of time that the child has lived in a  
23 stable, satisfactory environment with the prospective adoptive  
24 parent, if applicable, and the desirability of maintaining  
25 continuity.

26           6. The depth of the relationship existing between the  
27 child and the prospective adoptive parent or parents, if  
28 possible.

29           7. The reasonable preferences and wishes of the child,  
30 if the court deems the child to be of sufficient intelligence,  
31 understanding, and experience to express a preference.

1           8. The recommendations of the child's guardian ad  
2 litem or legal representative.

3           9. That every reasonable effort has been made, to have  
4 siblings adopted together if appropriate, and that such  
5 efforts having failed, the likelihood exists that the  
6 prospective adoptive parent or parents will allow and promote  
7 continuing contact of the child with the child's siblings, if  
8 such contact is deemed to be in the child's best interest ~~and~~  
9 ~~may thereafter become a party to any proceeding for the legal~~  
10 ~~adoption of the child and appear in any court where the~~  
11 ~~adoption proceeding is pending and consent to the adoption;~~  
12 ~~and that consent alone shall in all cases be sufficient.~~

13           (e) Follow-up information services will be provided by  
14 the department upon the request of any family who has adopted  
15 a foster child.

16           (2) In any subsequent adoption proceeding, the parents  
17 and legal guardian shall not be entitled to any notice  
18 thereof, nor shall they be entitled to knowledge at any time  
19 after the order terminating parental rights is entered of the  
20 whereabouts of the child or of the identity or location of any  
21 person having the custody of or having adopted the child,  
22 except as provided by order of the court pursuant to this  
23 chapter or chapter 63; and in any habeas corpus or other  
24 proceeding involving the child brought by any parent or legal  
25 guardian of the child, no agent of the licensed child-placing  
26 agency, intermediary, or department shall be compelled to  
27 divulge that information, but may be compelled to produce the  
28 child before a court of competent jurisdiction if the child is  
29 still subject to the guardianship of the licensed  
30 child-placing agency, intermediary, or department.

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1           Section 10. Paragraph (a) of subsection (6) of section  
2 39.471, Florida Statutes, 1996 Supplement, is amended to read:

3           39.471 Oaths, records, and confidential information.--

4           (6) No court record of proceedings under this part  
5 shall be admissible in evidence in any other civil or criminal  
6 proceeding, except that:

7           (a) Orders terminating the rights of a parent and  
8 committing the child to a licensed child-placing agency or the  
9 department for adoptive placement by a licensed child-placing  
10 agency or intermediary ~~for adoption~~ shall be admissible in  
11 evidence in subsequent adoption proceedings relating to the  
12 child.

13           Section 11. Subsection (3) of section 39.473, Florida  
14 Statutes, is amended to read:

15           39.473 Appeal.--

16           (3) The taking of an appeal does not operate as a  
17 supersedeas in any case unless the court so orders. However, a  
18 termination of parental rights order with placement of the  
19 child with a licensed child-placing agency or an intermediary  
20 ~~the department~~ for subsequent adoption is suspended while the  
21 appeal is pending, but the child shall continue in custody  
22 under the order until the appeal is decided.

23           Section 12. Paragraph (a) of subsection (2) of section  
24 409.166, Florida Statutes, is amended to read:

25           409.166 Special needs children; subsidized adoption  
26 program.--

27           (2) DEFINITIONS.--As used in this section, the term:

28           (a) "Special needs child" means a child whose  
29 permanent custody has been awarded to the department, ~~or~~ to a  
30 licensed child-placing agency, or an intermediary and  
31

1           ~~1. Who has established significant emotional ties with~~  
2 ~~his or her foster parents; or~~  
3           ~~2. is not likely to be adopted because he or she is:~~  
4           ~~1.a. Eight years of age or older;~~  
5           ~~2.b. Mentally retarded;~~  
6           ~~3.c. Physically or emotionally handicapped;~~  
7           ~~4.d. Of black or racially mixed parentage; or~~  
8           ~~5.e. A member of a sibling group of any age, provided~~  
9 two or more members of a sibling group remain together for  
10 purposes of adoption.

11           Section 13. Subsection (2) of section 409.167, Florida  
12 Statutes, is amended to read:

13           409.167 Statewide adoption exchange; establishment;  
14 responsibilities; registration requirements; rules.--

15           (2)~~(a)~~ Each district of the department shall notify  
16 the adoption exchange in writing of ~~refer~~ each child in its  
17 care who has been legally freed for adoption ~~to the adoption~~  
18 ~~exchange~~ no later than 30 days after the date of the final  
19 orders terminating the rights of the child's parents  
20 ~~acceptance by the department for permanent placement. The~~  
21 ~~referral must be accompanied by a photograph and description~~  
22 ~~of the child.~~

23           (a) If the district has identified a placement which  
24 will occur within 3 months of the final order to terminate  
25 parental rights, the notification sent to the adoption  
26 exchange shall so indicate. The adoption exchange shall be  
27 notified within 10 working days of such adoption placement.

28           (b) The child's name is to be held in an inactive  
29 status on the adoption exchange if one of the following  
30 circumstances exists:

31

1           1. The child is placed for adoption with the child's  
2 foster parents, relatives, or another identified family and  
3 such placement will occur within 3 months of the order  
4 terminating parental rights. If the child has not been placed  
5 for adoption within 3 months after the termination order is  
6 issued, the district shall provide an update to the adoption  
7 exchange requesting that the child's registration be taken off  
8 inactive status.

9           2. There is a significant change in the child's  
10 physical, mental, or emotional status so that a move to an  
11 adoptive home would adversely affect the child's safety or  
12 place the adoption at increased risk for disruption. Such  
13 status must be documented in the child's case record, and a  
14 copy attached to the adoption exchange registration form. The  
15 district must inform the adoption exchange when the child  
16 returns to active status.

17           3. Adoption is no longer the plan for the child and  
18 the goal change has been approved by the court. The adoption  
19 exchange will close its case on children in this status.

20           4. Prior to placing a child in inactive status, the  
21 department must document the reasons for the action and must  
22 obtain the approval of the dependency court.

23           ~~(b) The department shall establish criteria by which a~~  
24 ~~district may determine that a child need not be registered~~  
25 ~~with the adoption exchange. Within 90 days after the date of~~  
26 ~~acceptance by the department for permanent placement, the name~~  
27 ~~of the child accepted for permanent placement must be~~  
28 ~~forwarded to the statewide adoption exchange by the district~~  
29 ~~together with reference to the specific reason why the child~~  
30 ~~should not be placed on the adoption exchange. If the child~~  
31 ~~has not been placed for adoption within 3 months after the~~

1 ~~date of acceptance by the department for permanent placement,~~  
2 ~~the district shall provide the adoption exchange with the~~  
3 ~~necessary photograph and information for registration of the~~  
4 ~~child with the adoption exchange and the child shall be placed~~  
5 ~~on the exchange.~~

6 (c) The department shall establish procedures for  
7 monitoring the status of children who are not placed on the  
8 adoption exchange within 30 days after the date of termination  
9 of parental rights as well as children with an inactive status  
10 on the exchange within 90 days of becoming inactive, and at  
11 90-day intervals thereafter until final judgment of adoption  
12 ~~acceptance by the department for permanent placement.~~

13 Section 14. Subsection (4) of section 63.072, Florida  
14 Statutes, is amended to read:

15 63.072 Persons whose consent to an adoption may be  
16 waived.--The court may excuse the consent of the following  
17 individuals to an adoption:

18 (4) The department, a legal guardian, or lawful  
19 custodian of the person to be adopted, other than a parent,  
20 who has failed to respond in writing to a request for consent  
21 for a period of 60 days or who, after examination of his or  
22 her written reasons for withholding consent, is found by the  
23 court to be withholding his or her consent unreasonably; or

24 Section 15. Paragraph (e) of subsection (2) of section  
25 63.092, Florida Statutes, is amended to read:

26 63.092 Report to the court of intended placement by an  
27 intermediary; preliminary study.--

28 (2) PRELIMINARY HOME STUDY.--Before placing the minor  
29 in the intended adoptive home, a preliminary home study must  
30 be performed by a licensed child-placing agency, a licensed  
31 professional, or agency described in s. 61.20(2), unless the



1 petitioner is a stepparent, a spouse of the birth parent, or a  
2 relative. The preliminary study shall be completed within 30  
3 days after the receipt by the court of the intermediary's  
4 report, but in no event may the child be placed in the  
5 prospective adoptive home prior to the completion of the  
6 preliminary study unless ordered by the court. If the  
7 petitioner is a stepparent, a spouse of the birth parent, or a  
8 relative, the preliminary home study may be required by the  
9 court for good cause shown. The department is required to  
10 perform the preliminary home study only if there is no  
11 licensed child-placing agency, licensed professional, or  
12 agency described in s. 61.20(2), in the county where the  
13 prospective adoptive parents reside. The preliminary home  
14 study must be made to determine the suitability of the  
15 intended adoptive parents and may be completed prior to  
16 identification of a prospective adoptive child. A favorable  
17 preliminary home study is valid for 1 year after the date of  
18 its completion. A child must not be placed in an intended  
19 adoptive home before a favorable preliminary home study is  
20 completed unless the adoptive home is also a licensed foster  
21 home under s. 409.175. The preliminary home study must  
22 include, at a minimum:

23 (e) Documentation of counseling and education of the  
24 intended adoptive parents on adoptive parenting and, in the  
25 case of a child under the supervision of the Department of  
26 Children and Family Services, documentation of counseling and  
27 education including MAP (Model Approach to Parenting) or  
28 equivalent training approved by the department;  
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30 If the preliminary home study is favorable, a minor may be  
31 placed in the home pending entry of the judgment of adoption.

1 A minor may not be placed in the home if the preliminary home  
2 study is unfavorable. If the preliminary home study is  
3 unfavorable, the intermediary or petitioner may, within 20  
4 days after receipt of a copy of the written recommendation,  
5 petition the court to determine the suitability of the  
6 intended adoptive home. A determination as to suitability  
7 under this subsection does not act as a presumption of  
8 suitability at the final hearing. In determining the  
9 suitability of the intended adoptive home, the court must  
10 consider the totality of the circumstances in the home.

11 Section 16. Subsection (2) of section 63.097, Florida  
12 Statutes, is renumbered as subsection (3), and a new  
13 subsection (2) is added to said section to read:

14 63.097 Fees.--

15 (2) REIMBURSEMENT.--When the child being placed for  
16 adoption by an intermediary is a foster child place, pursuant  
17 to s. 39.451(1), the person seeking to adopt the child shall  
18 be responsible for payment of fees in accordance with  
19 requirements of paragraph (1). If the foster child is a  
20 special needs child, pursuant to s. 409.166, the family may  
21 seek reimbursement from the department of up to \$1,000 in  
22 nonrecurring adoption expenses, which may include attorney's  
23 fees.

24 Section 17. This act shall take effect July 1, 1997.  
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