

By Senator Rossin

35-11-98

1                                   A bill to be entitled  
 2           An act relating to adoption of foster children;  
 3           amending s. 39.469, F.S.; allowing  
 4           communication or contact between a child and  
 5           siblings of a parent whose rights are  
 6           terminated; amending s. 63.022, F.S.; providing  
 7           legislative intent for continuing sibling  
 8           contact; creating s. 63.0427, F.S.; providing  
 9           for an adopted minor's right to continued  
 10          communication or contact with siblings;  
 11          providing an effective date.

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

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15           Section 1. Subsection (7) of section 39.469, Florida  
16 Statutes, is amended to read:

17           39.469 Powers of disposition; order of disposition.--

18           (7) If the court terminates parental rights, it may,  
 19 as appropriate, order that the parents, siblings, or relatives  
 20 of the parent whose rights are terminated be allowed to  
 21 maintain some communication or contact with the child pending  
 22 adoption if the best interests of the child support this  
 23 continued communication or contact. If the court orders such  
 24 continued communication or contact, which may include visits,  
 25 letters, cards, or telephone calls, the nature and frequency  
 26 of the communication or contact must be set forth in written  
 27 order and may be reviewed upon motion of any party, including  
 28 an identified ~~a prospective adoptive parent if a child has~~  
 29 ~~been placed for adoption.~~ If a child is placed for adoption,  
 30 the nature and frequency of the communication or contact must  
 31 be reviewed by the court at the time the child is adopted.

1           Section 2. Paragraph (m) is added to subsection (2) of  
2 section 63.022, Florida Statutes, to read:

3           63.022 Legislative intent.--

4           (2) The basic safeguards intended to be provided by  
5 this act are that:

6           (m) In dependency cases initiated by the department,  
7 if a termination of parental rights occurs and siblings are  
8 separated despite diligent efforts of the department,  
9 continuing post-adoption communication or contact among the  
10 siblings may be ordered by the court if found to be in the  
11 best interests of the children.

12           Section 3. Section 63.0427, Florida Statutes, is  
13 created to read:

14           63.0427 Adopted minor's right to continued  
15 communication or contact with siblings.--

16           (1) A child whose parents have had their parental  
17 rights terminated and whose custody has been awarded to the  
18 department pursuant to s. 39.469, and who is the subject of a  
19 petition for adoption under this chapter, has the right to  
20 have the court consider the appropriateness of post-adoption  
21 communication or contact, including, but not limited to,  
22 visits, letters and cards, or telephone calls, with his or her  
23 siblings who are not included in the petition for adoption.  
24 The court shall determine if the best interests of the child  
25 support such continued communication or contact and shall  
26 consider the following in making such determination:

27           (a) Any orders of the court pursuant to s. 39.469(5).

28           (b) Recommendations of the department, the foster  
29 parents if other than the adoptive parents, and the guardian  
30 ad litem.

31           (c) Statements of prospective adoptive parents.

1           (d) Any other information deemed relevant and material  
2 by the court.

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4 If the court determines that the child's best interests will  
5 be served by post-adoption communication or contact with any  
6 sibling, the court shall so order, stating the nature and  
7 frequency for the communication or contact. This order shall  
8 be made a part of the final adoption order, but in no event  
9 shall continuing validity of the adoption be contingent upon  
10 such post-adoption communication or contact, nor shall the  
11 ability of the adoptive parents and child to change residence  
12 within or outside the state be impaired by such communication  
13 or contact.

14           (2) Notwithstanding the provisions of s. 63.162, the  
15 adoptive parent may petition for review at any time of sibling  
16 communication or contact ordered under subsection (1), if the  
17 adoptive parent believes that the best interests of the  
18 adopted child are being compromised, and the court may order  
19 the communication or contact to be terminated, or to order  
20 such conditions in regard to communication or contact as the  
21 court determines to be in the best interests of the adopted  
22 child. As part of the review process, the court may order the  
23 parties to engage in mediation. The department is not  
24 required to be a party to such review.

25           Section 4. This act shall take effect upon becoming a  
26 law.

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SENATE SUMMARY

Authorizes a court that terminates parental rights to order that siblings of the parent whose rights are terminated be allowed to maintain communication or contact with the child pending adoption if it is in the child's best interest. Provides that on dependency cases, initiated by the Department of Children and Family Services, if termination of parental rights occurs and siblings are separated, the court may order continuing post-adoption communication or contact among the siblings. Provides a child who is the subject of a petition for adoption with the right to have a court consider the appropriateness of communication or contact with a sibling.