

By Representatives Murman and Frankel

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 with siblings and  
5           other specified persons after termination of  
6           parental rights; amending s. 63.022(2), F.S.;  
7           providing legislative intent that birth  
8           parents, specified others, and the prospective  
9           adoptive parents may agree to future  
10          communication or contact with the minor child;  
11          providing legislative intent for continuing  
12          sibling contact; creating s. 63.0426, F.S.;  
13          providing for continued communication or  
14          contact by mutual consent; creating s. 63.0427,  
15          F.S.; providing for an adopted minor's right to  
16          continued communication or contact with  
17          siblings; providing an effective date.

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

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21           Section 1. Subsection (5) of section 39.469, F.S., is  
22 amended to read:

23           39.469 Powers of disposition; order of disposition.--

24           (5) If the court terminates parental rights, it may,  
25 as appropriate, order that the parents, siblings, and other ~~or~~  
26 relatives and nonrelatives, including, but not limited to  
27 former nonrelative custodians and foster parents, with whom  
28 the child of the parent whose parents' rights are terminated  
29 has had an established positive emotional attachment prior to  
30 the termination of parental rights be allowed to maintain some  
31 communication or contact with the child pending adoption if

1 the best interests of the child support this continued  
2 communication or contact. If the court orders such continued  
3 communication or contact, which may include but is not limited  
4 to, visits, letters, and cards or telephone calls the nature  
5 and frequency of the communication or contact must be set  
6 forth in written order and may be reviewed upon motion of any  
7 party, including, for purposes of this subsection, an  
8 indentified ~~a prospective adoptive parent if a child has been~~  
9 ~~placed for adoption.~~ If a child is placed for adoption, the  
10 nature and frequency of the communication or contact must be  
11 reviewed by the court at the time the placement is made ~~child~~  
12 ~~is adopted.~~

13 Section 2. Paragraphs (m) and (n) are added to  
14 subsection (2) of section 63.022, Florida Statutes, 1996  
15 Supplement, to read:

16 63.022 Legislative intent.--

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

19 (m) By mutual consent, the birth parents, siblings,  
20 and other relatives, and nonrelatives, including, but not  
21 limited to, former nonrelative custodians and foster parents  
22 of a minor child who is the subject of an adoption under this  
23 statute, and the prospective adoptive parents of such minor  
24 may agree to future communication or contact if such  
25 communication or contact is deemed to serve the best interests  
26 of the child to be adopted.

27 (n) In dependency cases initiated by the department,  
28 where termination of parental rights occurs, and siblings are  
29 separated despite diligent efforts of the department,  
30 continuing post-adoption communication or contact among the  
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1 siblings shall be ordered by the court if found to be in the  
2 best interests of the children.

3 Section 3. Section 63.0426, Florida Statutes, is  
4 created to read:

5 63.0426 Agreements for continued communication or  
6 contact.--Notwithstanding the provisions of s. 63.162, the  
7 birth parents, siblings, and other relatives, or nonrelatives,  
8 including, but not limited to, former nonrelative custodians  
9 and foster parents of a minor who is the subject of an  
10 adoption under this statute, and the prospective adoptive  
11 parents of such minor may by mutual consent agree to ongoing  
12 communication or contact, including, but not limited to,  
13 visits, letters and cards, or telephone calls, beyond the  
14 finalization of the adoption. The Department of Children and  
15 Family Services may assist the parties in drafting such an  
16 agreement, but shall not be required to be a party to such an  
17 agreement. The agreement shall be in writing, shall include a  
18 description of the nature and frequency of future  
19 communication or contact, and must be signed by the adoptive  
20 parents, and birth parents, siblings, and other relatives or  
21 nonrelatives desiring to maintain communication or contact.  
22 The parties may by mutual consent renegotiate the terms of the  
23 agreement from time to time. The initial agreement shall be  
24 attached to the petition to adopt and considered by the court  
25 during the final adoption hearing. At the request of a party,  
26 the court shall retain jurisdiction for purposes of reviewing  
27 the appropriateness of ongoing communication or contact beyond  
28 the finalization of the adoption. As part of the review  
29 process, the court may order the parties to engage in  
30 mediation. In no event shall the continuing validity of the  
31 adoption be contingent upon such ongoing communication or

1 contact, nor shall the ability of the adoptive parents and  
2 child to change residence within or outside the State of  
3 Florida be impaired by such agreement. In any action for  
4 review, the prevailing party may be awarded, as part of the  
5 costs of the action, a reasonable amount to be fixed by the  
6 court as attorney's fees and court costs.

7 Section 4. Section 63.0427, Florida Statutes, is  
8 created to read:

9 63.0427 Adopted minor's right to continued  
10 communication or contact with siblings.--

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

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

23 (b) Recommendations of the department, the foster  
24 parents if other than the adoptive parents, and the guardian  
25 ad litem.

26 (c) Statements of prospective adoptive parents.

27 (d) Any other information deemed relevant and material  
28 by the court.

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30 If the court determines that the child's best interests will  
31 be served by post-adoption communication or contact with any

1 sibling, the court shall so order, stating the nature and  
2 frequency for the communication or contact. This order shall  
3 be made a part of the final adoption order, but in no event  
4 shall continuing validity of the adoption be contingent upon  
5 such post-adoption communication or contact, nor shall the  
6 ability of the adoptive parents and child to change residence  
7 within or outside the State of Florida be impaired by such  
8 communication or contact.

9 (2) Notwithstanding the provisions of s. 63.162, the  
10 adoptive parent may petition for review at any time of sibling  
11 communication or contact ordered pursuant to subsection (1),  
12 if the adoptive parent believes that the best interests of the  
13 adopted child are being compromised, and the court shall have  
14 authority to order the communication or contact to be  
15 terminated, or to order such conditions in regard to  
16 communication or contact as the court deems to be in the best  
17 interests of the adopted child. As part of the review  
18 process, the court may order the parties to engage in  
19 mediation. The department shall not be required to be a party  
20 to such review. In any action for review, the prevailing  
21 party may be awarded reasonable attorney's fees, as part of  
22 the costs of the action.

23 Section 5. This act shall take effect upon becoming a  
24 law.

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HOUSE SUMMARY

Provides that if the court terminates parental rights it may order that the parents, siblings, and other relatives and nonrelatives, including, but not limited to, former nonrelative custodians and foster parents with whom the child whose parents' rights are terminated has had an established positive emotional attachment prior to the termination of parental rights be allowed to maintain some communication or contact with the child pending adoption if the best interests of the child support this continued communication or contact.

Provides legislative intent that by mutual consent the birth parents, siblings, and other relatives and nonrelatives of a minor child who is the subject of adoption and the prospective adoptive parents may agree to future communication or contact if it is deemed to serve the best interest of the child. Provides legislative intent for continuing contact with siblings in dependency cases initiated by the Department of Children and Family Services where termination of parental rights occurs.

Provides for agreements for continued communication or contact and provides for the adopted minor's right to continued communication or contact with siblings.

See bill for details.