

By the Committee on Family Law & Children and
Representatives Murman, Frankel, Feeney, Lynn and Heyman

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 after
5 termination of parental rights; amending s.
6 63.022(2), F.S.; providing legislative intent
7 for continuing sibling contact; creating s.
8 63.0427, F.S.; providing for an adopted minor's
9 right to continued communication or contact
10 with siblings; providing an effective date.

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

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14 Section 1. Subsection (5) of section 39.469, Florida
15 Statutes, is amended to read:

16 39.469 Powers of disposition; order of disposition.--

17 (5) If the court terminates parental rights, it may,
18 as appropriate, order that the parents, siblings, or relatives
19 of the parent whose rights are terminated be allowed to
20 maintain some communication or contact with the child pending
21 adoption if the best interests of the child support this
22 continued communication or contact. If the court orders such
23 continued communication or contact, which may include but is
24 not limited to, visits, letters, and cards or telephone calls
25 the nature and frequency of the communication or contact must
26 be set forth in written order and may be reviewed upon motion
27 of any party, including, for purposes of this subsection, an
28 identified a prospective adoptive parent if a child has been
29 placed for adoption. If a child is placed for adoption, the
30 nature and frequency of the communication or contact must be
31 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, 1996 Supplement, 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 where 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, shall have the right
20 to have the court consider the appropriateness of
21 post-adoption communication or contact, including, but not
22 limited to, visits, letters and cards, or telephone calls,
23 with his or her siblings who are not included in the petition
24 for adoption. The court shall determine if the best interests
25 of the child support such continued communication or contact
26 and shall 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 of Florida be impaired by such
13 communication 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 pursuant to subsection (1),
17 if the adoptive parent believes that the best interests of the
18 adopted child are being compromised, and the court shall have
19 authority to order the communication or contact to be
20 terminated, or to order such conditions in regard to
21 communication or contact as the court deems to be in the best
22 interests of the adopted child. As part of the review
23 process, the court may order the parties to engage in
24 mediation. The department shall not be required to be a party
25 to such review.

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