

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.

11  
12   Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. Subsection (7) of section 39.469, Florida  
15   Statutes, is amended to read:

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

17           (7) 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(7).

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.

3  
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.