

Bill No. CS for SB 2080

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Grant moved the following amendment:

Senate Amendment

On page 12, line 11 through page 15, line 11, delete those lines

and insert:

(1) A licensed child-placing agency that takes physical custody of a newborn infant left at a hospital or a fire station pursuant to s. 383.50, shall assume responsibility for all medical costs and all other costs associated with the emergency services and care of the newborn infant from the time the licensed child-placing agency takes physical custody of the newborn infant.

(2) The licensed child-placing agency shall immediately seek an order from the circuit court for emergency custody of the newborn infant. The emergency custody order shall remain in effect until the court orders preliminary approval of placement of the newborn infant in the prospective home, at which time the prospective adoptive parents become guardians pending termination of parental rights and

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1 finalization of adoption or until the court orders otherwise.
2 The licensed child-placing agency may seek to temporarily
3 place the newborn infant in a prospective adoptive home as
4 soon as possible.

5 (3) The licensed child-placing agency that takes
6 physical custody of the newborn infant shall immediately
7 request assistance from law enforcement officials to
8 investigate and determine, through the Missing Children
9 Information Clearinghouse, the National Center for Missing and
10 Exploited Children, and any other national and state
11 resources, whether or not the newborn infant is a missing
12 child.

13 (4) Within 7 days after accepting physical custody of
14 the newborn infant, the licensed child-placing agency shall
15 initiate a diligent search to notify and to obtain consent
16 from a parent whose identity or location is unknown, other
17 than the parent who has left a newborn infant at a fire
18 station or a hospital in accordance with s. 383.50. The
19 diligent search must include, at a minimum, inquiries of all
20 known relatives of the parent, inquiries of all offices or
21 program areas of the department likely to have information
22 about the parent, inquiries of other state and federal
23 agencies likely to have information about the parent,
24 inquiries of appropriate utility and postal providers and
25 inquiries of appropriate law enforcement agencies.
26 Constructive notice must also be provided pursuant to chapter
27 49 in the county where the newborn infant was left and in the
28 county where the petition to terminate parental rights will be
29 filed. The constructive notice must include at a minimum,
30 available identifying information, and information on whom a
31 parent must contact in order to assert a claim of parental

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1 rights of the newborn infant and how to assert that claim. If
2 a parent is identified and located, notice of the adjudicatory
3 hearing shall be provided. If a parent can not be identified
4 or located subsequent to the diligent search and constructive
5 notice, the licensed child-placing agency shall file an
6 affidavit of diligent search at the same time that the
7 petition to terminate parental rights is filed.

8 (5) A petition for termination of parental rights
9 under this section may not be filed until 30 days after the
10 date the newborn infant was left in accordance with s. 383.50.
11 A petition for termination of parental rights may not be
12 granted until consent to adoption or an affidavit of
13 nonpaternity has been executed by a parent of the newborn
14 infant as set forth in s. 63.062, a parent has failed to
15 reclaim or claim the newborn infant within the specified time
16 period, or the consent of a parent is otherwise waived by the
17 court.

18 (6) A claim of parental rights of the newborn infant
19 must be made to the entity having physical or legal custody of
20 the newborn infant or to the circuit court before whom
21 proceedings involving the newborn infant are pending. A claim
22 of parental rights of the newborn infant may not be made after
23 the judgment to terminate parental rights is entered, except
24 as otherwise provided by subsection (10).

25 (7) If a claim of parental rights of a newborn infant
26 is made before the judgement to terminate parental rights is
27 entered, the circuit court shall hold the action for
28 termination of parental rights pending subsequent adoption in
29 abeyance for a period of time not to exceed 60 days.

30 (a) The court shall order scientific testing to
31 determine maternity or paternity at the expense of the parent

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1 claiming parental rights unless maternity or paternity has
2 been previously established legally or by scientific testing.

3 (b) The court may appoint a guardian ad litem for the
4 newborn infant and order whatever investigation, home
5 evaluation and psychological evaluation are necessary to
6 determine what is in the best interest of the newborn infant.

7 (c) The court may not terminate parental rights solely
8 on the basis that the parent left a newborn infant at a
9 hospital or fire station in accordance with s. 383.50.

10 (d) The court shall enter a judgment with written
11 findings of fact and conclusions of law.

12 (8) Within 24 hours after filing the judgment, the
13 clerk of the court shall mail a copy of the judgment to the
14 department, the petitioner, and the persons whose consent were
15 required, if known. The clerk shall execute a certificate of
16 each mailing.

17 (Redesignate subsequent subsections.)

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