

By the Committee on Children and Families; and Senator Mitchell

300-2058A-00

1                                   A bill to be entitled  
2           An act relating to protection of dependent  
3           children; amending s. 39.01, F.S.; revising the  
4           definition of the term "long-term custody";  
5           defining the term "long-term licensed custody";  
6           amending s. 39.013, F.S.; providing for  
7           precedence of orders of the circuit court in  
8           dependency matters involving dissolution or  
9           other custody action; deleting provisions  
10          relating to state funding of court-appointed  
11          counsel for legal guardians at shelter  
12          hearings; amending s. 39.0132, F.S., relating  
13          to oaths, records, and confidential  
14          information; amending s. 39.202, F.S.; revising  
15          provisions relating to access to and disclosure  
16          of reports and records in cases of child abuse  
17          or neglect; amending s. 39.402, F.S., relating  
18          to placement in a shelter; amending s. 39.502,  
19          F.S., relating to notice, process, and  
20          services; amending s. 39.503, F.S., relating to  
21          procedures when the identity or location of the  
22          parent is unknown; creating a new pt. VII of  
23          ch. 39, F.S., relating to disposition and  
24          postdisposition change of custody; creating a  
25          new pt. IX of ch. 39, F.S., relating to  
26          permanency; renumbering and amending s. 39.508,  
27          F.S.; revising provisions relating to  
28          disposition hearings and powers of disposition;  
29          amending s. 39.5085, F.S.; providing intent for  
30          achieving permanency through a variety of  
31          permanency options; conforming a

1 cross-reference; creating s. 39.522, F.S.;

2 providing for postdisposition change of

3 custody; amending s. 39.601, F.S.; providing

4 requirements relating to case plans; amending

5 s. 39.603, F.S., relating to court hearings for

6 approval of case planning; authorizing, rather

7 than requiring, court appointment of a guardian

8 ad litem under certain circumstances; creating

9 s. 39.621, F.S.; providing for permanency

10 determinations by the court; creating s.

11 39.622, F.S.; providing conditions and

12 requirements for court placement of a child in

13 long-term custody; creating s. 39.623, F.S.;

14 providing conditions and requirements for court

15 approval of placement in long-term licensed

16 custody; creating s. 39.624, F.S.; providing

17 conditions and requirements for court approval

18 of placement in independent living; amending s.

19 39.701, F.S.; revising provisions relating to

20 judicial review hearings; amending s. 39.803,

21 F.S.; revising procedure relating to diligent

22 search, after filing of a termination of

23 parental rights petition, for a parent whose

24 identity or location is unknown; amending s.

25 39.804, F.S.; providing a penalty for false

26 statements concerning paternity; amending s.

27 39.806, F.S.; providing abandonment as a ground

28 for termination of parental rights; amending s.

29 39.807, F.S.; providing responsibilities of the

30 guardian ad litem; amending s. 39.811, F.S.;

31 providing for court-ordered disposition of the

1 child in long-term custody following  
2 termination of parental rights; amending s.  
3 435.045, F.S.; authorizing placement in a  
4 foster home pending  
5 federal-criminal-records-check results;  
6 requiring certain disclosure by prospective and  
7 approved foster parents; amending ss. 39.0015,  
8 39.302, 409.2554, F.S.; conforming  
9 cross-references; repealing s. 402.40(3), F.S.;  
10 abolishing the Child Welfare Standards and  
11 Training Council; providing an effective date.

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

14  
15 Section 1. Subsection (42) of section 39.01, Florida  
16 Statutes, is amended, present subsections (43) through (72)  
17 are renumbered as subsections (44) through (73), respectively,  
18 and a new subsection (43) is added to that section, to read:

19 39.01 Definitions.--When used in this chapter, unless  
20 the context otherwise requires:

21 (42) "Long-term custody" or "long-term custodial  
22 relationship" means the relationship that a juvenile court  
23 order creates between a child and an adult relative of the  
24 child or other legal custodian approved by the court when the  
25 child cannot be placed in the custody of a parent and adoption  
26 ~~termination of parental rights~~ is not deemed to be in the best  
27 interest of the child. Long-term custody confers upon the  
28 relative or other legal custodian, other than the department,  
29 the right to physical custody of the child, a right which will  
30 not be disturbed by the court except upon request of the legal  
31 custodian or upon a showing that the best interest of the

1 child necessitates a change of custody for the child. A  
2 relative or other legal custodian who has been designated as a  
3 long-term custodian shall have all of the rights and duties of  
4 a parent, including, but not limited to, the right and duty to  
5 protect, train, and discipline the child and to provide the  
6 child with food, shelter, and education, and ordinary medical,  
7 dental, psychiatric, and psychological care, unless these  
8 rights and duties are otherwise enlarged or limited by the  
9 court order establishing the long-term custodial relationship.

10 (43) "Long-term licensed custody" means the  
11 relationship that a juvenile court order creates between a  
12 child and a placement licensed by the state to provide  
13 residential care for dependent children, if the licensed  
14 placement is willing and able to continue to care for the  
15 child until the child reaches the age of majority.

16 Section 2. Present subsection (10) of section 39.013,  
17 Florida Statutes, is amended, present subsections (4) through  
18 (10) are renumbered as subsections (5) through (11),  
19 respectively, and a new subsection (4) is added to that  
20 section, to read:

21 39.013 Procedures and jurisdiction; right to  
22 counsel.--

23 (4) The order of the circuit court hearing dependency  
24 matters shall be filed by the clerk of the court in any  
25 dissolution or other custody action or proceeding and shall  
26 take precedence over other custody and visitation orders  
27 entered in those actions.

28 (11)~~(10)~~ Court-appointed counsel representing indigent  
29 parents ~~or legal guardians~~ at shelter hearings shall be paid  
30 from state funds appropriated by general law.

31

1           Section 3. Subsections (2) and (3), paragraph (a) of  
2 subsection (4), and paragraphs (b) and (d) of subsection (6)  
3 of section 39.0132, Florida Statutes, are amended to read:

4           39.0132 Oaths, records, and confidential  
5 information.--

6           (2) The court shall make and keep records of all cases  
7 brought before it pursuant to this chapter and shall preserve  
8 the records pertaining to a dependent child until 7 years  
9 after the last entry was made, or until the child is 18 years  
10 of age, whichever date is first reached, and may then destroy  
11 them, except that records of cases where orders were entered  
12 permanently depriving a parent of the custody of a juvenile  
13 shall be preserved permanently. The court shall make official  
14 records, consisting of all petitions and orders filed in a  
15 case arising pursuant to this chapter part and any other  
16 pleadings, certificates, proofs of publication, summonses,  
17 warrants, and other writs which may be filed therein.

18           (3) The clerk shall keep all court records required by  
19 this chapter part separate from other records of the circuit  
20 court. All court records required by this chapter part shall  
21 not be open to inspection by the public. All records shall be  
22 inspected only upon order of the court by persons deemed by  
23 the court to have a proper interest therein, except that,  
24 subject to the provisions of s. 63.162, a child and the  
25 parents of the child and their attorneys, guardian ad litem,  
26 law enforcement agencies, and the department and its designees  
27 shall always have the right to inspect and copy any official  
28 record pertaining to the child. The court may permit  
29 authorized representatives of recognized organizations  
30 compiling statistics for proper purposes to inspect and make  
31 abstracts from official records, under whatever conditions

1 upon their use and disposition the court may deem proper, and  
2 may punish by contempt proceedings any violation of those  
3 conditions.

4 (4)(a) All information obtained pursuant to this  
5 chapter part in the discharge of official duty by any judge,  
6 employee of the court, authorized agent of the department,  
7 correctional probation officer, or law enforcement agent is  
8 confidential and exempt from s. 119.07(1) and may not be  
9 disclosed to anyone other than the authorized personnel of the  
10 court, the department and its designees, correctional  
11 probation officers, law enforcement agents, guardian ad litem,  
12 and others entitled under this chapter to receive that  
13 information, except upon order of the court.

14 (6) No court record of proceedings under this chapter  
15 shall be admissible in evidence in any other civil or criminal  
16 proceeding, except that:

17 (b) Records of proceedings under this chapter part  
18 forming a part of the record on appeal shall be used in the  
19 appellate court in the manner hereinafter provided.

20 (d) Records of proceedings under this chapter part may  
21 be used to prove disqualification pursuant to s. 435.06 and  
22 for proof regarding such disqualification in a chapter 120  
23 proceeding.

24 Section 4. Paragraph (e) of subsection (2) of section  
25 39.202, Florida Statutes, is amended to read:

26 39.202 Confidentiality of reports and records in cases  
27 of child abuse or neglect.--

28 (2) Access to such records, excluding the name of the  
29 reporter which shall be released only as provided in  
30 subsection (4), shall be granted only to the following  
31 persons, officials, and agencies:

1           (e) Any person alleged in the report as having caused  
2 the abuse, abandonment, or neglect of a child. This access  
3 shall be made available no later than 30 days after the  
4 department receives the initial report of abuse, abandonment,  
5 or neglect and, when the alleged perpetrator is not a parent,  
6 shall be limited to information involving the protective  
7 investigation only and shall not include any information  
8 relating to subsequent dependency proceedings. However, any  
9 information otherwise made confidential or exempt by law shall  
10 not be released pursuant to this paragraph.

11           Section 5. Paragraph (c) of subsection (8) of section  
12 39.402, Florida Statutes, is amended to read:

13           39.402 Placement in a shelter.--

14           (8)

15           (c) At the shelter hearing, the court shall:

16           1. Appoint a guardian ad litem to represent the best  
17 interest of the child, unless the court finds that such  
18 representation is unnecessary;

19           2. Inform the parents or legal custodians of their  
20 right to counsel to represent them at the shelter hearing and  
21 at each subsequent hearing or proceeding, and the right of the  
22 parents to appointed counsel, pursuant to the procedures set  
23 forth in s. 39.013; and

24           3. Give the parents or legal custodians an opportunity  
25 to be heard and to present evidence.

26           Section 6. Subsection (18) of section 39.502, Florida  
27 Statutes, is amended to read:

28           39.502 Notice, process, and service.--

29           (18) In all proceedings under this part ~~chapter~~, the  
30 court shall provide to the parent or legal custodian of the  
31 child, at the conclusion of any hearing, a written notice

1 containing the date of the next scheduled hearing. The court  
2 shall also include the date of the next hearing in any order  
3 issued by the court.

4 Section 7. Subsection (5) of section 39.503, Florida  
5 Statutes, is amended to read:

6 39.503 Identity or location of parent unknown; special  
7 procedures.--

8 (5) If the inquiry under subsection (1) identifies a  
9 parent or prospective parent, and that person's location is  
10 unknown, the court shall direct the petitioner ~~department~~ to  
11 conduct a diligent search for that person before scheduling a  
12 disposition hearing regarding the dependency of the child  
13 unless the court finds that the best interest of the child  
14 requires proceeding without notice to the person whose  
15 location is unknown.

16 Section 8. (1) Present part VII of chapter 39,  
17 Florida Statutes, is redesignated as part VIII, and a new part  
18 VII, is created, consisting of sections 39.521, Florida  
19 Statutes, entitled "Disposition; Postdisposition Change of  
20 Custody."

21 (2) Present parts VIII through XI of chapter 39,  
22 Florida Statutes, are redesignated as parts X through XIII,  
23 respectively, and a new part IX is created, consisting of  
24 sections 39.621, 39.622, 39.623, and 39.624, Florida Statutes,  
25 entitled "Permanency."

26 Section 9. Section 39.508, Florida Statutes, is  
27 renumbered as section 39.521, Florida Statutes, and amended to  
28 read:

29 39.521 ~~39.508~~ Disposition hearings; powers of  
30 disposition.--

31



1           (1) A ~~At the~~ disposition hearing shall be conducted by  
2 the court, if the court finds that the facts alleged in the  
3 petition for dependency were proven in the adjudicatory  
4 hearing, or if the parents or legal custodians have consented  
5 to the finding of dependency or admitted the allegations in  
6 the petition, have failed to appear for the arraignment  
7 hearing after proper notice, or have not been located despite  
8 a diligent search having been conducted.

9           (a) ~~A written, the court shall receive and consider a~~  
10 case plan and a predisposition study prepared, which must be  
11 in writing and presented by an authorized agent of the  
12 department must be filed with the court and served upon the  
13 parents of the child, provided to the representative of the  
14 guardian ad litem program, if the program has been appointed,  
15 and provided to all other parties, not less than 72 hours  
16 before the disposition hearing. All such case plans must be  
17 approved by the court. If the court does not approve the case  
18 plan at the disposition hearing, the court must set a hearing  
19 within 30 days after the disposition hearing to review and  
20 approve the case plan.

21           (b) When any child is adjudicated by a court to be  
22 dependent, the court having jurisdiction of the child has the  
23 power by order to:

24           1. Require the parent and, when appropriate, the legal  
25 custodian and the child, to participate in treatment and  
26 services identified as necessary.

27           2. Require, if the court deems necessary, the parties  
28 to participate in dependency mediation.

29           3. Require placement of the child either under the  
30 protective supervision of an authorized agent of the  
31 department in the home of one or both of the child's parents

1 or in the home of a relative of the child or another adult  
2 approved by the court, or in the custody of the department.  
3 Protective supervision continues until the court terminates it  
4 or until the child reaches the age of 18, whichever date is  
5 first. Protective supervision shall be terminated by the court  
6 whenever the court determines that permanency has been  
7 achieved for the child, whether with a parent, another  
8 relative, or a legal custodian, and that protective  
9 supervision is no longer needed. The termination of  
10 supervision may be with or without retaining jurisdiction, at  
11 the court's discretion, and shall in either case be considered  
12 a permanency option for the child. The order terminating  
13 supervision by the department shall set forth the powers of  
14 the custodian of the child and shall include the powers  
15 ordinarily granted to a guardian of the person of a minor  
16 unless otherwise specified. Upon the court's termination of  
17 supervision by the department, no further judicial reviews are  
18 required, so long as permanency has been established for the  
19 child.

20 (c) At the conclusion of the disposition hearing, the  
21 court shall schedule the initial judicial review hearing which  
22 must be held no later than 90 days after the date of the  
23 disposition hearing or after the date of the hearing at which  
24 the court approves the case plan, whichever occurs earlier,  
25 but in no event shall the review hearing be held later than 6  
26 months after the date of the child's removal from the home.

27 (d) The court shall, in its written order of  
28 disposition, include all of the following:

- 29 1. The placement or custody of the child.
- 30 2. Special conditions of placement and visitation.

31

1           3. Evaluation, counseling, treatment activities, and  
2 other actions to be taken by the parties, if ordered.

3           4. The persons or entities responsible for supervising  
4 or monitoring services to the child and parent.

5           5. Continuation or discharge of the guardian ad litem,  
6 as appropriate.

7           6. The date, time, and location of the next scheduled  
8 review hearing, which must occur within the earlier of:

9           a. Ninety days after the disposition hearing;

10           b. Ninety days after the court accepts the case plan;

11           c. Six months after the date of the last review  
12 hearing; or

13           d. Six months after the date of the child's removal  
14 from his or her home, if no review hearing has been held since  
15 the child's removal from the home.

16           7. If the child is in an out-of-home placement, child  
17 support to be paid by the parents, or the guardian of the  
18 child's estate if possessed of assets which under law may be  
19 disbursed for the care, support, and maintenance of the child.  
20 The court may exercise jurisdiction over all child support  
21 matters, shall adjudicate the financial obligation, including  
22 health insurance, of the child's parents or guardian, and  
23 shall enforce the financial obligation as provided in chapter  
24 61. The state's child support enforcement agency shall enforce  
25 child support orders under this section in the same manner as  
26 child support orders under chapter 61. Placement of the child  
27 shall not be contingent upon issuance of a support order.

28           8.a. If the court does not commit the child to the  
29 temporary legal custody of an adult relative, legal custodian,  
30 or other adult approved by the court, the disposition order  
31 shall include the reasons for such a decision and shall

1 include a determination as to whether diligent efforts were  
2 made by the department to locate an adult relative, legal  
3 custodian, or other adult willing to care for the child in  
4 order to present that placement option to the court instead of  
5 placement with the department.

6 b. If diligent efforts are made to locate an adult  
7 relative willing and able to care for the child but, because  
8 no suitable relative is found, the child is placed with the  
9 department or a legal custodian or other adult approved by the  
10 court, both the department and the court shall consider  
11 transferring temporary legal custody to an adult relative  
12 approved by the court at a later date, but neither the  
13 department nor the court is obligated to so place the child if  
14 it is in the child's best interest to remain in the current  
15 placement.

16  
17 For the purposes of this subparagraph, "diligent efforts to  
18 locate an adult relative" means a search similar to the  
19 diligent search for a parent, but without the continuing  
20 obligation to search after an initial adequate search is  
21 completed.

22 9. Other requirements necessary to protect the health,  
23 safety, and well-being of the child, to preserve the stability  
24 of the child's educational placement, and to promote family  
25 preservation or reunification whenever possible.

26 (e) If the court finds that the prevention or  
27 reunification efforts of the department will allow the child  
28 to remain safely at home or be safely returned to the home,  
29 the court shall allow the child to remain in or return to the  
30 home after making a specific finding of fact that the reasons  
31 for removal have been remedied to the extent that the child's

1 safety, well-being, and physical, mental, and emotional health  
2 will not be endangered.

3 (f) If the court places the child in an out-of-home  
4 placement, the disposition order must include a written  
5 determination that the child cannot safely remain at home with  
6 reunification or family preservation services and that removal  
7 of the child is necessary to protect the child. If the child  
8 has been removed before the disposition hearing, the order  
9 must also include a written determination as to whether, after  
10 removal, the department has made a reasonable effort to  
11 reunify the parent and child, if reasonable efforts are  
12 required. Reasonable efforts to reunify are not required if  
13 the court has found that any of the acts listed in s.  
14 39.806(1)(f)-(i) have occurred. The department has the burden  
15 of demonstrating that it has made reasonable efforts under  
16 this paragraph.

17 1. For the purposes of this paragraph, the term  
18 "reasonable effort" means the exercise of reasonable diligence  
19 and care by the department to provide the services ordered by  
20 the court or delineated in the case plan.

21 2. In support of its determination as to whether  
22 reasonable efforts have been made, the court shall:

23 a. Enter written findings as to whether or not  
24 prevention or reunification efforts were indicated.

25 b. If prevention or reunification efforts were  
26 indicated, include a brief written description of what  
27 appropriate and available prevention and reunification efforts  
28 were made.

29 c. Indicate in writing why further efforts could or  
30 could not have prevented or shortened the separation of the  
31 parent and child.

1           3. A court may find that the department has made a  
2 reasonable effort to prevent or eliminate the need for removal  
3 if:

4           a. The first contact of the department with the family  
5 occurs during an emergency;

6           b. The appraisal by the department of the home  
7 situation indicates that it presents a substantial and  
8 immediate danger to the child's safety or physical, mental, or  
9 emotional health which cannot be mitigated by the provision of  
10 preventive services;

11           c. The child cannot safely remain at home, either  
12 because there are no preventive services that can ensure the  
13 health and safety of the child or, even with appropriate and  
14 available services being provided, the health and safety of  
15 the child cannot be ensured; or

16           d. The parent is alleged to have committed any of the  
17 acts listed as grounds for expedited termination of parental  
18 rights in s. 39.806(1)(f)-(i).

19           4. A reasonable effort by the department for  
20 reunification of the parent and child has been made if the  
21 appraisal of the home situation by the department indicates  
22 that the severity of the conditions of dependency is such that  
23 reunification efforts are inappropriate. The department has  
24 the burden of demonstrating to the court that reunification  
25 efforts were inappropriate.

26           5. If the court finds that the prevention or  
27 reunification effort of the department would not have  
28 permitted the child to remain safely at home, the court may  
29 commit the child to the temporary legal custody of the  
30 department or take any other action authorized by this  
31 chapter.

1           (2) The predisposition study ~~shall cover for any~~  
2 ~~dependent child all factors specified in s. 61.13(3),~~ and must  
3 also provide the court with the following documented  
4 information:

5           (a) The capacity and disposition of the parents to  
6 provide the child with food, clothing, medical care, or other  
7 remedial care recognized and permitted under the laws of this  
8 state in lieu of medical care, and other material needs.

9           (b) The length of time the child has lived in a  
10 stable, satisfactory environment and the desirability of  
11 maintaining continuity.

12           (c) The mental and physical health of the parents.

13           (d) The home, school, and community record of the  
14 child.

15           (e) The reasonable preference of the child, if the  
16 court deems the child to be of sufficient intelligence,  
17 understanding, and experience to express a preference.

18           (f) Evidence of domestic violence or child abuse.

19           (g)(a) An assessment defining the dangers and risks of  
20 returning the child home, including a description of the  
21 changes in and resolutions to the initial risks.

22           (h)(b) A description of what risks are still present  
23 and what resources are available and will be provided for the  
24 protection and safety of the child.

25           (i)(c) A description of the benefits of returning the  
26 child home.

27           (j)(d) A description of all unresolved issues.

28           (k)(e) A Florida Abuse Hotline Information System  
29 (FAHIS)An abuse registry history and criminal records check  
30 for all caregivers, family members, and individuals residing  
31 within the household from which the child was removed.

1           ~~(l)(f)~~ The complete report and recommendation of the  
2 child protection team of the Department of Health or, if no  
3 report exists, a statement reflecting that no report has been  
4 made.

5           ~~(m)(g)~~ All opinions or recommendations from other  
6 professionals or agencies that provide evaluative, social,  
7 reunification, or other services to the parent and child.

8           ~~(n)(h)~~ A listing ~~The availability~~ of appropriate and  
9 available prevention and reunification services for the parent  
10 and child to prevent the removal of the child from the home or  
11 to reunify the child with the parent after removal, including  
12 the availability of family preservation services and an  
13 explanation of the following:

14           1. If the services were or were not provided.

15           2. If the services were provided, the outcome of the  
16 services.

17           3. If the services were not provided, why they were  
18 not provided.

19           4. If the services are currently being provided and if  
20 they need to be continued through the Family Builders Program,  
21 the Intensive Crisis Counseling Program, or both.

22           ~~(o)(i)~~ A listing ~~The inappropriateness~~ of other  
23 prevention and reunification services that were available but  
24 determined to be inappropriate and why.

25           ~~(j)~~ ~~The efforts by the department to prevent~~  
26 ~~out-of-home placement of the child or, when applicable, to~~  
27 ~~reunify the parent and child if appropriate services were~~  
28 ~~available, including the application of intensive family~~  
29 ~~preservation services through the Family Builders Program, the~~  
30 ~~Intensive Crisis Counseling Program, or both.~~

31



1           ~~(k) Whether the services were provided to the parent~~  
2 ~~and child.~~

3           ~~(l) If the services were provided, whether they were~~  
4 ~~sufficient to meet the needs of the child and the parent and~~  
5 ~~to enable the child to remain safely at home or to be returned~~  
6 ~~home.~~

7           ~~(m) If the services were not provided, the reasons for~~  
8 ~~such lack of action.~~

9           ~~(n) The need for, or appropriateness of, continuing~~  
10 ~~the services if the child remains in the custody of the parent~~  
11 ~~or if the child is placed outside the home.~~

12           (p)~~(o)~~ Whether dependency mediation was provided.

13           (q)~~(p)~~ If the child has been removed from the home and  
14 there is a parent ~~or legal custodian~~ who may be considered for  
15 custody pursuant to this section, a recommendation as to  
16 whether placement of the child with that parent ~~or legal~~  
17 ~~custodian~~ would be detrimental to the child.

18           (r)~~(q)~~ If the child has been removed from the home and  
19 will be remaining with a relative or other adult approved by  
20 the court, a home study report concerning the proposed  
21 placement shall be included in the predisposition report.  
22 Prior to recommending to the court any out-of-home placement  
23 for a child other than placement in a licensed shelter or  
24 foster home, the department shall conduct a study of the home  
25 of the proposed legal custodians, which must include, at a  
26 minimum:

27           1. An interview with the proposed legal custodians to  
28 assess their ongoing commitment and ability to care for the  
29 child.

30           2. Records checks through the Florida Abuse Hotline  
31 Information System (FAHIS), and local and statewide criminal

1 and juvenile records checks through the Department of Law  
2 Enforcement, on all household members 12 years of age or older  
3 and any other persons made known to the department who are  
4 frequent visitors in the home. Out-of-state criminal records  
5 checks must be initiated for any individual designated above  
6 who has resided in a state other than Florida provided that  
7 state's laws allow the release of these records. The  
8 out-of-state criminal records must be filed with the court  
9 within 5 days after receipt by the department or its agent.

10 3. An assessment of the physical environment of the  
11 home.

12 4. A determination of the financial security of the  
13 proposed legal custodians.

14 5. A determination of suitable child care arrangements  
15 if the proposed legal custodians are employed outside of the  
16 home.

17 6. Documentation of counseling and information  
18 provided to the proposed legal custodians regarding the  
19 dependency process and possible outcomes.

20 7. Documentation that information regarding support  
21 services available in the community has been provided to the  
22 proposed legal custodians.

23  
24 The department shall not place the child or continue the  
25 placement of the child in a home under shelter or  
26 postdisposition placement if the results of the home study are  
27 unfavorable, unless the court finds that this placement is in  
28 the child's best interest.

29 (s)(r) If the child has been removed from the home, a  
30 determination of the amount of child support each parent will  
31 be required to pay pursuant to s. 61.30.

1           (t) If placement of the child with anyone other than  
2 the child's parent is being considered, the predisposition  
3 study shall include the designation of a specific length of  
4 time as to when custody by the parent will be reconsidered.  
5

6 Any other relevant and material evidence, including other  
7 written or oral reports, may be received by the court in its  
8 effort to determine the action to be taken with regard to the  
9 child and may be relied upon to the extent of its probative  
10 value, even though not competent in an adjudicatory hearing.  
11 Except as otherwise specifically provided, nothing in this  
12 section prohibits the publication of proceedings in a hearing.

13           ~~(3)(a)1. Notwithstanding s. 435.045(1), the department~~  
14 ~~may place a child in a foster home which otherwise meets~~  
15 ~~licensing requirements if state and local criminal records~~  
16 ~~checks do not disqualify the applicant, and the department has~~  
17 ~~submitted fingerprint information to the Florida Department of~~  
18 ~~Law Enforcement for forwarding to the Federal Bureau of~~  
19 ~~Investigation and is awaiting the results of the federal~~  
20 ~~criminal records check.~~

21           ~~2. Prospective and approved foster parents must~~  
22 ~~disclose to the department any prior or pending local, state,~~  
23 ~~or federal criminal proceedings in which they are or have been~~  
24 ~~involved.~~

25           ~~(b) Prior to recommending to the court any out-of-home~~  
26 ~~placement for a child other than placement in a licensed~~  
27 ~~shelter or foster home, the department shall conduct a study~~  
28 ~~of the home of the proposed legal custodians, which must~~  
29 ~~include, at a minimum:~~

30  
31

1           ~~1. An interview with the proposed legal custodians to~~  
2 ~~assess their ongoing commitment and ability to care for the~~  
3 ~~child.~~

4           ~~2. Records checks through the department's automated~~  
5 ~~abuse information system, and local and statewide criminal and~~  
6 ~~juvenile records checks through the Department of Law~~  
7 ~~Enforcement, on all household members 12 years of age or older~~  
8 ~~and any other persons made known to the department who are~~  
9 ~~frequent visitors in the home.~~

10           ~~3. An assessment of the physical environment of the~~  
11 ~~home.~~

12           ~~4. A determination of the financial security of the~~  
13 ~~proposed legal custodians.~~

14           ~~5. A determination of suitable child care arrangements~~  
15 ~~if the proposed legal custodians are employed outside of the~~  
16 ~~home.~~

17           ~~6. Documentation of counseling and information~~  
18 ~~provided to the proposed legal custodians regarding the~~  
19 ~~dependency process and possible outcomes.~~

20           ~~7. Documentation that information regarding support~~  
21 ~~services available in the community has been provided to the~~  
22 ~~proposed legal custodians.~~

23           ~~(c) The department shall not place the child or~~  
24 ~~continue the placement of the child in the home of the~~  
25 ~~proposed legal custodians if the results of the home study are~~  
26 ~~unfavorable.~~

27           ~~(4) If placement of the child with anyone other than~~  
28 ~~the child's parent is being considered, the predisposition~~  
29 ~~study shall include the designation of a specific length of~~  
30 ~~time as to when custody by the parent will be reconsidered.~~

31

1           ~~(5) The predisposition study may not be made before~~  
2 ~~the adjudication of dependency unless the parents of the child~~  
3 ~~consent.~~

4           ~~(6) A case plan and predisposition study must be filed~~  
5 ~~with the court and served upon the parents of the child,~~  
6 ~~provided to the representative of the guardian ad litem~~  
7 ~~program, if the program has been appointed, and provided to~~  
8 ~~all other parties not less than 72 hours before the~~  
9 ~~disposition hearing. All such case plans must be approved by~~  
10 ~~the court. If the court does not approve the case plan at the~~  
11 ~~disposition hearing, the court must set a hearing within 30~~  
12 ~~days after the disposition hearing to review and approve the~~  
13 ~~case plan.~~

14           ~~(7) The initial judicial review must be held no later~~  
15 ~~than 90 days after the date of the disposition hearing or~~  
16 ~~after the date of the hearing at which the court approves the~~  
17 ~~case plan, whichever occurs earlier, but in no event shall the~~  
18 ~~review be held later than 6 months after the date of the~~  
19 ~~child's removal from the home.~~

20           ~~(3)(8)~~ When any child is adjudicated by a court to be  
21 dependent, and the court finds that removal of the child from  
22 the custody of a parent or legal custodian is necessary, the  
23 court shall determine the appropriate placement for the child  
24 as follows:

25           (a) If the court determines that the child can safely  
26 remain in the home with the parent with whom the child was  
27 residing at the time the events or conditions arose that  
28 brought the child within the jurisdiction of the court and  
29 that remaining in this home is in the best interest of the  
30 child, then the court shall order conditions under which the  
31 child may remain or return to the home and that this placement

1 be under the protective supervision of the department for not  
2 less than 6 months.

3 (b) If first determine whether there is a parent with  
4 whom the child was not residing at the time the events or  
5 conditions arose that brought the child within the  
6 jurisdiction of the court who desires to assume custody of the  
7 child ~~and, if such parent requests custody,~~ the court shall  
8 place the child with that the parent upon completion of a home  
9 study, unless the court it finds that such placement would  
10 endanger the safety, well-being, or physical, mental, or  
11 emotional health of the child. Any party with knowledge of the  
12 facts may present to the court evidence regarding whether the  
13 placement will endanger the safety, well-being, or physical,  
14 mental, or emotional health of the child. If the court places  
15 the child with such parent, it may do either of the following:

16 1.(a) Order that the parent assume sole custodial  
17 responsibilities for the child. The court may also provide for  
18 reasonable visitation by the noncustodial parent. The court  
19 may then terminate its jurisdiction over the child. The  
20 custody order shall continue unless modified by a subsequent  
21 order of the circuit court hearing dependency matters. The  
22 order of the circuit court hearing dependency matters shall be  
23 filed in any dissolution or other custody action or proceeding  
24 between the parents and shall take precedence over other  
25 custody and visitation orders entered in those actions.

26 2.(b) Order that the parent assume custody subject to  
27 the jurisdiction of the circuit court hearing dependency  
28 matters. The court may order that reunification services be  
29 provided to the parent from whom the child has been removed,  
30 that services be provided solely to the parent who is assuming  
31 physical custody in order to allow that parent to retain later

1 custody without court jurisdiction, or that services be  
2 provided to both parents, in which case the court shall  
3 determine at every review hearing which parent, if either,  
4 shall have custody of the child. The standard for changing  
5 custody of the child from one parent to another or to a  
6 relative or another adult approved by the court shall be the  
7 best interest of the child.

8 (c) If no fit parent is willing or available to assume  
9 care and custody of the child, place

10 ~~(9)(a) When any child is adjudicated by a court to be~~  
11 ~~dependent, the court having jurisdiction of the child has the~~  
12 ~~power, by order, to:~~

13 ~~1. Require the parent or legal custodian, and the~~  
14 ~~child when appropriate, to participate in treatment and~~  
15 ~~services identified as necessary.~~

16 ~~2. Require the parent or legal custodian, and the~~  
17 ~~child when appropriate, to participate in mediation if the~~  
18 ~~parent or legal custodian refused to participate in mediation.~~

19 ~~3. Place the child under the protective supervision of~~  
20 ~~an authorized agent of the department, either in the child's~~  
21 ~~own home or, the prospective custodian being willing, in the~~  
22 ~~home of a relative of the child or of another adult approved~~  
23 ~~by the court, or in some other suitable place under such~~  
24 ~~reasonable conditions as the court may direct. Protective~~  
25 ~~supervision continues until the court terminates it or until~~  
26 ~~the child reaches the age of 18, whichever date is first.~~  
27 ~~Protective supervision shall be terminated by the court~~  
28 ~~whenever the court determines that permanency has been~~  
29 ~~achieved for the child, whether with a parent, another~~  
30 ~~relative, or a legal custodian, and that protective~~  
31 ~~supervision is no longer needed. The termination of~~

1 ~~supervision may be with or without retaining jurisdiction, at~~  
2 ~~the court's discretion, and shall in either case be considered~~  
3 ~~a permanency option for the child. The order terminating~~  
4 ~~supervision by the department shall set forth the powers of~~  
5 ~~the custodian of the child and shall include the powers~~  
6 ~~ordinarily granted to a guardian of the person of a minor~~  
7 ~~unless otherwise specified. Upon the court's termination of~~  
8 ~~supervision by the department, no further judicial reviews are~~  
9 ~~required, so long as permanency has been established for the~~  
10 ~~child.~~

11           4. ~~Place~~ the child in the temporary legal custody of  
12 an adult relative or other adult approved by the court who is  
13 willing to care for the child, under the protective  
14 supervision of the department. The department must supervise  
15 this placement until the child reaches permanency status in  
16 this home, and in no case for a period of less than 6 months.  
17 Permanency in a relative placement shall be by adoption,  
18 long-term custody, or guardianship.

19           (d) If the child cannot be safely placed in a  
20 nonlicensed placement, the court shall commit the child to the  
21 temporary legal custody of the department. Such commitment  
22 invests in the department all rights and responsibilities of a  
23 legal custodian. The department shall not return any child to  
24 the physical care and custody of the person from whom the  
25 child was removed, except for court-approved visitation  
26 periods, without the approval of the court. The term of such  
27 commitment continues until terminated by the court or until  
28 the child reaches the age of 18. After the child is committed  
29 to the temporary legal custody of the department, all further  
30 proceedings under this section are governed by this chapter.

31



1 Protective supervision continues until the court terminates it  
2 or until the child reaches the age of 18, whichever date is  
3 first. Protective supervision shall be terminated by the court  
4 whenever the court determines that permanency has been  
5 achieved for the child, whether with a parent, another  
6 relative, or a legal custodian, and that protective  
7 supervision is no longer needed. The termination of  
8 supervision may be with or without retaining jurisdiction, at  
9 the court's discretion, and shall in either case be considered  
10 a permanency option for the child. The order terminating  
11 supervision by the department shall set forth the powers of  
12 the custodian of the child and shall include the powers  
13 ordinarily granted to a guardian of the person of a minor  
14 unless otherwise specified. Upon the court's termination of  
15 supervision by the department, no further judicial reviews are  
16 required, so long as permanency has been established for the  
17 child.

18 (4) An agency granted legal custody shall have the  
19 right to determine where and with whom the child shall live,  
20 but an individual granted legal custody shall exercise all  
21 rights and duties personally unless otherwise ordered by the  
22 court.

23 (5) In carrying out the provisions of this chapter,  
24 the court may order the parents and legal custodians of a  
25 child who is found to be dependent to participate in family  
26 counseling and other professional counseling activities deemed  
27 necessary for the rehabilitation of the parent or child.

28 (6) With respect to a child who is the subject in  
29 proceedings under this chapter, the court may issue to the  
30 department an order to show cause why it should not return the  
31 child to the custody of the parents upon expiration of the

1 case plan, or sooner if the parents have substantially  
2 complied with the case plan.

3 (7) The court may enter an order ending its  
4 jurisdiction over a child when a child has been returned to  
5 the parents, provided the court shall not terminate its  
6 jurisdiction or the department's supervision over the child  
7 until 6 months after the child's return. The court shall  
8 determine whether its jurisdiction should be continued or  
9 terminated in such a case based on a report of the department  
10 or agency or the child's guardian ad litem, and any other  
11 relevant factors; if its jurisdiction is to be terminated, the  
12 court shall enter an order to that effect.

13 ~~5.a. When the parents have failed to comply with a~~  
14 ~~case plan and the court determines at a judicial review~~  
15 ~~hearing, or at an adjudication hearing held pursuant to this~~  
16 ~~section, that neither reunification, termination of parental~~  
17 ~~rights, nor adoption is in the best interest of the child, the~~  
18 ~~court may place the child in the long-term custody of an adult~~  
19 ~~relative or other adult approved by the court willing to care~~  
20 ~~for the child, if all of the following conditions are met:~~

21 ~~(I) A case plan describing the responsibilities of the~~  
22 ~~relative or other adult, the department, and any other party~~  
23 ~~must have been submitted to the court.~~

24 ~~(II) The case plan for the child does not include~~  
25 ~~reunification with the parents or adoption by the relative or~~  
26 ~~other adult.~~

27 ~~(III) The child and the relative or other adult are~~  
28 ~~determined not to need protective supervision or preventive~~  
29 ~~services to ensure the stability of the long-term custodial~~  
30 ~~relationship, or the department assures the court that~~  
31 ~~protective supervision or preventive services will be provided~~

1 ~~in order to ensure the stability of the long-term custodial~~  
2 ~~relationship.~~

3 ~~(IV) Each party to the proceeding agrees that a~~  
4 ~~long-term custodial relationship does not preclude the~~  
5 ~~possibility of the child returning to the custody of the~~  
6 ~~parent at a later date, should the parent demonstrate a~~  
7 ~~material change in circumstances and the return of the child~~  
8 ~~to the parent is in the child's best interest.~~

9 ~~(V) The court has considered the reasonable preference~~  
10 ~~of the child if the court has found the child to be of~~  
11 ~~sufficient intelligence, understanding, and experience to~~  
12 ~~express a preference.~~

13 ~~(VI) The court has considered the recommendation of~~  
14 ~~the guardian ad litem if one has been appointed.~~

15 ~~(VII) The relative or other adult has made a~~  
16 ~~commitment to provide for the child until the child reaches~~  
17 ~~the age of majority and to prepare the child for adulthood and~~  
18 ~~independence.~~

19 ~~(VIII) The relative or other adult agrees not to~~  
20 ~~return the child to the physical care and custody of the~~  
21 ~~person from whom the child was removed, including for short~~  
22 ~~visitation periods, without the approval of the court.~~

23 ~~b. The court shall retain jurisdiction over the case,~~  
24 ~~and the child shall remain in the long-term custody of the~~  
25 ~~relative or other adult approved by the court until the order~~  
26 ~~creating the long-term custodial relationship is modified by~~  
27 ~~the court. The court shall discontinue regular judicial review~~  
28 ~~hearings and may relieve the department of the responsibility~~  
29 ~~for supervising the placement of the child whenever the court~~  
30 ~~determines that the placement is stable and that such~~  
31 ~~supervision is no longer needed. The child must be in the~~

1 ~~placement for a minimum of 6 continuous months before the~~  
2 ~~court may consider termination of the department's~~  
3 ~~supervision. Notwithstanding the retention of jurisdiction,~~  
4 ~~the placement shall be considered a permanency option for the~~  
5 ~~child when the court relieves the department of the~~  
6 ~~responsibility for supervising the placement. The order~~  
7 ~~terminating supervision by the department shall set forth the~~  
8 ~~powers of the custodian of the child and shall include the~~  
9 ~~powers ordinarily granted to a guardian of the person of a~~  
10 ~~minor unless otherwise specified. The court may modify the~~  
11 ~~order terminating supervision of the long-term placement if it~~  
12 ~~finds that the long-term placement is no longer in the best~~  
13 ~~interest of the child.~~

14 ~~6.a. Approve placement of the child in long-term~~  
15 ~~out-of-home care, when the following conditions are met:~~

16 ~~(I) The foster child is 16 years of age or older,~~  
17 ~~unless the court determines that the history or condition of a~~  
18 ~~younger child makes long-term out-of-home care the most~~  
19 ~~appropriate placement.~~

20 ~~(II) The child demonstrates no desire to be placed in~~  
21 ~~an independent living arrangement pursuant to this subsection.~~

22 ~~(III) The department's social services study pursuant~~  
23 ~~to part VIII recommends long-term out-of-home care.~~

24  
25 ~~Long-term out-of-home care under the above conditions shall~~  
26 ~~not be considered a permanency option.~~

27 ~~b. The court may approve placement of the child in~~  
28 ~~long-term out-of-home care, as a permanency option, when all~~  
29 ~~of the following conditions are met:~~

30 ~~(I) The child is 14 years of age or older.~~

31

1           ~~(II) The child is living in a licensed home and the~~  
2 ~~foster parents desire to provide care for the child on a~~  
3 ~~permanent basis and the foster parents and the child do not~~  
4 ~~desire adoption.~~

5           ~~(III) The foster family has made a commitment to~~  
6 ~~provide for the child until he or she reaches the age of~~  
7 ~~majority and to prepare the child for adulthood and~~  
8 ~~independence.~~

9           ~~(IV) The child has remained in the home for a~~  
10 ~~continuous period of no less than 12 months.~~

11           ~~(V) The foster parents and the child view one another~~  
12 ~~as family and consider living together as the best place for~~  
13 ~~the child to be on a permanent basis.~~

14           ~~(VI) The department's social services study recommends~~  
15 ~~such placement and finds the child's well-being has been~~  
16 ~~promoted through living with the foster parents.~~

17  
18 ~~Notwithstanding the retention of jurisdiction and supervision~~  
19 ~~by the department, long-term out-of-home care placements made~~  
20 ~~pursuant to this section shall be considered a permanency~~  
21 ~~option for the child. For purposes of this subsection,~~  
22 ~~supervision by the department shall be defined as a minimum of~~  
23 ~~semiannual visits. The order placing the child in long-term~~  
24 ~~out-of-home care as a permanency option shall set forth the~~  
25 ~~powers of the custodian of the child and shall include the~~  
26 ~~powers ordinarily granted to a guardian of the person of a~~  
27 ~~minor unless otherwise specified. The court may modify the~~  
28 ~~permanency option of long-term out-of-home care if it finds~~  
29 ~~that the placement is no longer in the best interests of the~~  
30 ~~child.~~

31

1           ~~c. Approve placement of the child in an independent~~  
2 ~~living arrangement for any child 16 years of age or older, if~~  
3 ~~it can be clearly established that this type of alternate care~~  
4 ~~arrangement is the most appropriate plan and that the health,~~  
5 ~~safety, and well-being of the child will not be jeopardized by~~  
6 ~~such an arrangement. While in independent living situations,~~  
7 ~~children whose legal custody has been awarded to the~~  
8 ~~department or a licensed child-caring or child-placing agency,~~  
9 ~~or who have been voluntarily placed with such an agency by a~~  
10 ~~parent, guardian, relative, or adult approved by the court,~~  
11 ~~continue to be subject to court review provisions.~~

12           ~~7. Commit the child to the temporary legal custody of~~  
13 ~~the department. Such commitment invests in the department all~~  
14 ~~rights and responsibilities of a legal custodian. The~~  
15 ~~department shall not return any child to the physical care and~~  
16 ~~custody of the person from whom the child was removed, except~~  
17 ~~for court-approved visitation periods, without the approval of~~  
18 ~~the court. The term of such commitment continues until~~  
19 ~~terminated by the court or until the child reaches the age of~~  
20 ~~18. After the child is committed to the temporary custody of~~  
21 ~~the department, all further proceedings under this section are~~  
22 ~~also governed by this chapter.~~

23           ~~8.a. Change the temporary legal custody or the~~  
24 ~~conditions of protective supervision at a postdisposition~~  
25 ~~hearing, without the necessity of another adjudicatory~~  
26 ~~hearing. A child who has been placed in the child's own home~~  
27 ~~under the protective supervision of an authorized agent of the~~  
28 ~~department, in the home of a relative, in the home of a legal~~  
29 ~~custodian, or in some other place may be brought before the~~  
30 ~~court by the department or by any other interested person,~~  
31 ~~upon the filing of a petition alleging a need for a change in~~

1 ~~the conditions of protective supervision or the placement. If~~  
2 ~~the parents or other legal custodians deny the need for a~~  
3 ~~change, the court shall hear all parties in person or by~~  
4 ~~counsel, or both. Upon the admission of a need for a change or~~  
5 ~~after such hearing, the court shall enter an order changing~~  
6 ~~the placement, modifying the conditions of protective~~  
7 ~~supervision, or continuing the conditions of protective~~  
8 ~~supervision as ordered. The standard for changing custody of~~  
9 ~~the child shall be the best interest of the child. If the~~  
10 ~~child is not placed in foster care, then the new placement for~~  
11 ~~the child must meet the home study criteria and court approval~~  
12 ~~pursuant to this chapter.~~

13 ~~b. In cases where the issue before the court is~~  
14 ~~whether a child should be reunited with a parent, the court~~  
15 ~~shall determine whether the parent has substantially complied~~  
16 ~~with the terms of the case plan to the extent that the safety,~~  
17 ~~well-being, and physical, mental, and emotional health of the~~  
18 ~~child is not endangered by the return of the child to the~~  
19 ~~home.~~

20 ~~(b) The court shall, in its written order of~~  
21 ~~disposition, include all of the following:~~

22 ~~1. The placement or custody of the child as provided~~  
23 ~~in paragraph (a).~~

24 ~~2. Special conditions of placement and visitation.~~

25 ~~3. Evaluation, counseling, treatment activities, and~~  
26 ~~other actions to be taken by the parties, if ordered.~~

27 ~~4. The persons or entities responsible for supervising~~  
28 ~~or monitoring services to the child and parent.~~

29 ~~5. Continuation or discharge of the guardian ad litem,~~  
30 ~~as appropriate.~~

31

1           ~~6. The date, time, and location of the next scheduled~~  
2 ~~review hearing, which must occur within the earlier of:~~

3           ~~a. Ninety days after the disposition hearing;~~

4           ~~b. Ninety days after the court accepts the case plan;~~

5           ~~c. Six months after the date of the last review~~

6 ~~hearing; or~~

7           ~~d. Six months after the date of the child's removal~~  
8 ~~from his or her home, if no review hearing has been held since~~  
9 ~~the child's removal from the home.~~

10           ~~7. Other requirements necessary to protect the health,~~  
11 ~~safety, and well-being of the child, to preserve the stability~~  
12 ~~of the child's educational placement, and to promote family~~  
13 ~~preservation or reunification whenever possible.~~

14           ~~(c) If the court finds that the prevention or~~  
15 ~~reunification efforts of the department will allow the child~~  
16 ~~to remain safely at home or be safely returned to the home,~~  
17 ~~the court shall allow the child to remain in or return to the~~  
18 ~~home after making a specific finding of fact that the reasons~~  
19 ~~for removal have been remedied to the extent that the child's~~  
20 ~~safety, well-being, and physical, mental, and emotional health~~  
21 ~~will not be endangered.~~

22           ~~(d) If the court places the child in an out-of-home~~  
23 ~~placement, the disposition order must include a written~~  
24 ~~determination that the child cannot safely remain at home with~~  
25 ~~reunification or family preservation services and that removal~~  
26 ~~of the child is necessary to protect the child. If the child~~  
27 ~~has been removed before the disposition hearing, the order~~  
28 ~~must also include a written determination as to whether, after~~  
29 ~~removal, the department has made a reasonable effort to~~  
30 ~~reunify the parent and child, if reasonable efforts are~~  
31 ~~required. Reasonable efforts to reunify are not required if~~



1 ~~the court has found that any of the acts listed in s.~~  
2 ~~39.806(1)(f)-(i) have occurred. The department has the burden~~  
3 ~~of demonstrating that it has made reasonable efforts under~~  
4 ~~this paragraph.~~

5 ~~1. For the purposes of this paragraph, the term~~  
6 ~~"reasonable effort" means the exercise of reasonable diligence~~  
7 ~~and care by the department to provide the services delineated~~  
8 ~~in the case plan.~~

9 ~~2. In support of its determination as to whether~~  
10 ~~reasonable efforts have been made, the court shall:~~

11 ~~a. Enter written findings as to whether or not~~  
12 ~~prevention or reunification efforts were indicated.~~

13 ~~b. If prevention or reunification efforts were~~  
14 ~~indicated, include a brief written description of what~~  
15 ~~appropriate and available prevention and reunification efforts~~  
16 ~~were made.~~

17 ~~c. Indicate in writing why further efforts could or~~  
18 ~~could not have prevented or shortened the separation of the~~  
19 ~~parent and child.~~

20 ~~3. A court may find that the department has made a~~  
21 ~~reasonable effort to prevent or eliminate the need for removal~~  
22 ~~if:~~

23 ~~a. The first contact of the department with the family~~  
24 ~~occurs during an emergency;~~

25 ~~b. The appraisal by the department of the home~~  
26 ~~situation indicates that it presents a substantial and~~  
27 ~~immediate danger to the child's safety or physical, mental, or~~  
28 ~~emotional health which cannot be mitigated by the provision of~~  
29 ~~preventive services;~~

30 ~~c. The child cannot safely remain at home, either~~  
31 ~~because there are no preventive services that can ensure the~~

1 ~~health and safety of the child or, even with appropriate and~~  
2 ~~available services being provided, the health and safety of~~  
3 ~~the child cannot be ensured; or~~

4 ~~d. The parent or legal custodian is alleged to have~~  
5 ~~committed any of the acts listed as grounds for expedited~~  
6 ~~termination of parental rights in s. 39.806(1)(f)-(i).~~

7 ~~4. A reasonable effort by the department for~~  
8 ~~reunification of the parent and child has been made if the~~  
9 ~~appraisal of the home situation by the department indicates~~  
10 ~~that the severity of the conditions of dependency is such that~~  
11 ~~reunification efforts are inappropriate. The department has~~  
12 ~~the burden of demonstrating to the court that reunification~~  
13 ~~efforts were inappropriate.~~

14 ~~5. If the court finds that the prevention or~~  
15 ~~reunification effort of the department would not have~~  
16 ~~permitted the child to remain safely at home, the court may~~  
17 ~~commit the child to the temporary legal custody of the~~  
18 ~~department or take any other action authorized by this~~  
19 ~~chapter.~~

20 ~~(10)(a) When any child is adjudicated by the court to~~  
21 ~~be dependent and temporary legal custody of the child has been~~  
22 ~~placed with an adult relative, legal custodian, or other adult~~  
23 ~~approved by the court, a licensed child-caring agency, or the~~  
24 ~~department, the court shall, unless a parent has voluntarily~~  
25 ~~executed a written surrender for purposes of adoption, order~~  
26 ~~the parents, or the guardian of the child's estate if~~  
27 ~~possessed of assets which under law may be disbursed for the~~  
28 ~~care, support, and maintenance of the child, to pay child~~  
29 ~~support to the legal custodian caring for the child, the~~  
30 ~~licensed child-caring agency, or the department. The court may~~  
31 ~~exercise jurisdiction over all child support matters, shall~~

1 ~~adjudicate the financial obligation, including health~~  
2 ~~insurance, of the child's parents or guardian, and shall~~  
3 ~~enforce the financial obligation as provided in chapter 61.~~  
4 ~~The state's child support enforcement agency shall enforce~~  
5 ~~child support orders under this section in the same manner as~~  
6 ~~child support orders under chapter 61.~~

7 ~~(b) Placement of the child pursuant to subsection (8)~~  
8 ~~shall not be contingent upon issuance of a support order.~~

9 ~~(11)(a) If the court does not commit the child to the~~  
10 ~~temporary legal custody of an adult relative, legal custodian,~~  
11 ~~or other adult approved by the court, the disposition order~~  
12 ~~shall include the reasons for such a decision and shall~~  
13 ~~include a determination as to whether diligent efforts were~~  
14 ~~made by the department to locate an adult relative, legal~~  
15 ~~custodian, or other adult willing to care for the child in~~  
16 ~~order to present that placement option to the court instead of~~  
17 ~~placement with the department.~~

18 ~~(b) If diligent efforts are made to locate an adult~~  
19 ~~relative willing and able to care for the child but, because~~  
20 ~~no suitable relative is found, the child is placed with the~~  
21 ~~department or a legal custodian or other adult approved by the~~  
22 ~~court, both the department and the court shall consider~~  
23 ~~transferring temporary legal custody to an adult relative~~  
24 ~~approved by the court at a later date, but neither the~~  
25 ~~department nor the court is obligated to so place the child if~~  
26 ~~it is in the child's best interest to remain in the current~~  
27 ~~placement. For the purposes of this paragraph, "diligent~~  
28 ~~efforts to locate an adult relative" means a search similar to~~  
29 ~~the diligent search for a parent, but without the continuing~~  
30 ~~obligation to search after an initial adequate search is~~  
31 ~~completed.~~

1           ~~(12) An agency granted legal custody shall have the~~  
2 ~~right to determine where and with whom the child shall live,~~  
3 ~~but an individual granted legal custody shall exercise all~~  
4 ~~rights and duties personally unless otherwise ordered by the~~  
5 ~~court.~~

6           ~~(13) In carrying out the provisions of this chapter,~~  
7 ~~the court may order the parents or legal custodians of a child~~  
8 ~~who is found to be dependent to participate in family~~  
9 ~~counseling and other professional counseling activities deemed~~  
10 ~~necessary for the rehabilitation of the child.~~

11           ~~(14) With respect to a child who is the subject in~~  
12 ~~proceedings under this chapter, the court shall issue to the~~  
13 ~~department an order to show cause why it should not return the~~  
14 ~~child to the custody of the parents upon expiration of the~~  
15 ~~case plan, or sooner if the parents have substantially~~  
16 ~~complied with the case plan.~~

17           ~~(15) The court may enter an order ending its~~  
18 ~~jurisdiction over a child when a child has been returned to~~  
19 ~~the parents, provided the court shall not terminate its~~  
20 ~~jurisdiction or the department's supervision over the child~~  
21 ~~until 6 months after the child's return. The court shall~~  
22 ~~determine whether its jurisdiction should be continued or~~  
23 ~~terminated in such a case based on a report of the department~~  
24 ~~or agency or the child's guardian ad litem, and any other~~  
25 ~~relevant factors; if its jurisdiction is to be terminated, the~~  
26 ~~court shall enter an order to that effect.~~

27           Section 10. Paragraph (c) of subsection (1) and  
28 paragraph (a) of subsection (2) of section 39.5085, Florida  
29 Statutes, are amended to read:

30           39.5085 Relative Caregiver Program.--

31

1           (1) It is the intent of the Legislature in enacting  
2 this section to:

3           (c) Recognize that permanency in the best interests of  
4 the child can be achieved through a variety of permanency  
5 options, including long-term relative custody, guardianship,  
6 or adoption, by providing Provide additional placement options  
7 and incentives that will achieve permanency and stability for  
8 many children who are otherwise at risk of foster care  
9 placement because of abuse, abandonment, or neglect, but who  
10 may successfully be able to be placed by the dependency court  
11 in the care of such relatives.

12           (2)(a) The Department of Children and Family Services  
13 shall establish and operate the Relative Caregiver Program  
14 pursuant to eligibility guidelines established in this section  
15 as further implemented by rule of the department. The Relative  
16 Caregiver Program shall, within the limits of available  
17 funding, provide financial assistance to relatives who are  
18 within the fifth degree by blood or marriage to the parent or  
19 stepparent of a child and who are caring full-time for that  
20 child in the role of substitute parent as a result of a  
21 court's determination of child abuse, neglect, or abandonment  
22 and subsequent placement with the relative pursuant to this  
23 chapter. Such placement may be either court-ordered temporary  
24 legal custody to the relative under protective supervision of  
25 the department pursuant to s. 39.521(1)(b)3~~39.508(9)(a)4~~,  
26 or court-ordered placement in the home of a relative as a  
27 permanency option ~~under protective supervision of the~~  
28 ~~department~~ pursuant to s. 39.622 ~~39.508(9)(a)3~~. The Relative  
29 Caregiver Program shall offer financial assistance to  
30 caregivers who are relatives and who would be unable to serve  
31 in that capacity without the relative caregiver payment

1 because of financial burden, thus exposing the child to the  
2 trauma of placement in a shelter or in foster care.

3 Section 11. Section 39.522, Florida Statutes, is  
4 created to read:

5 39.522 Postdisposition change of custody.--The court  
6 may change the temporary legal custody or the conditions of  
7 protective supervision at a postdisposition hearing, without  
8 the necessity of another adjudicatory hearing.

9 (1) A child who has been placed in the child's own  
10 home under the protective supervision of an authorized agent  
11 of the department, in the home of a relative, in the home of a  
12 legal custodian, or in some other place may be brought before  
13 the court by the department or by any other interested person,  
14 upon the filing of a petition alleging a need for a change in  
15 the conditions of protective supervision or the placement. If  
16 the parents or other legal custodians deny the need for a  
17 change, the court shall hear all parties in person or by  
18 counsel, or both. Upon the admission of a need for a change or  
19 after such hearing, the court shall enter an order changing  
20 the placement, modifying the conditions of protective  
21 supervision, or continuing the conditions of protective  
22 supervision as ordered. The standard for changing custody of  
23 the child shall be the best interest of the child. If the  
24 child is not placed in foster care, then the new placement for  
25 the child must meet the home study criteria and court approval  
26 pursuant to this chapter.

27 (2) In cases where the issue before the court is  
28 whether a child should be reunited with a parent, the court  
29 shall determine whether the parent has substantially complied  
30 with the terms of the case plan to the extent that the safety,  
31 well-being, and physical, mental, and emotional health of the

1 child is not endangered by the return of the child to the  
2 home.

3 Section 12. Subsection (2) of section 39.601, Florida  
4 Statutes, is amended to read:

5 39.601 Case plan requirements.--

6 (2) When the child or parent is receiving services,  
7 the case plan shall be filed with the court, for approval by  
8 the court, at least 72 hours prior to the disposition hearing.  
9 The case plan must be served on all parties whose whereabouts  
10 are known at least 72 hours prior to the disposition hearing  
11 and must include, in addition to the requirements in  
12 subsection (1), at a minimum:

13 (a) A description of the problem being addressed that  
14 includes the behavior or act of a parent resulting in risk to  
15 the child and the reason for the department's intervention.

16 (b) A description of the tasks with which the parent  
17 must comply and the services to be provided to the parent and  
18 child specifically addressing the identified problem,  
19 including:

- 20 1. Type of services or treatment.
- 21 2. Frequency of services or treatment.
- 22 3. Location of the delivery of the services.
- 23 4. The accountable department staff or service  
24 provider.

25 (c) A description of the measurable objectives,  
26 including timeframes for achieving objectives, addressing the  
27 identified problem.

28 Section 13. Paragraph (a) of subsection (1) of section  
29 39.603, Florida Statutes, is amended to read:

30 39.603 Court approvals of case planning.--

31

1           (1) At the hearing on the plan, which shall occur in  
2 conjunction with the disposition hearing unless otherwise  
3 directed by the court, the court shall determine:

4           (a) All parties who were notified and are in  
5 attendance at the hearing, either in person or through a legal  
6 representative. The court may ~~shall~~ appoint a guardian ad  
7 litem under Rule 1.210, Florida Rules of Civil Procedure, to  
8 represent the interests of any parent, if the location of the  
9 parent is known but the parent is not present at the hearing  
10 and the development of the plan is based upon the physical,  
11 emotional, or mental condition or physical location of the  
12 parent.

13           Section 14. Section 39.621, Florida Statutes, is  
14 created to read:

15           39.621 Permanency determination by the court.--

16           (1) When the court has determined that reunification  
17 with either parent is not appropriate, then the court must  
18 make a permanency determination for the child.

19           (2) Adoption, pursuant to chapter 63, is the primary  
20 permanency option available to the court. If the child is  
21 placed with a relative or with a relative of the child's  
22 half-brother or half-sister as a permanency option, the court  
23 shall recognize the permanency of this placement without  
24 requiring the relative to adopt the child.

25           (3) The permanency options listed in the following  
26 paragraphs shall only be considered by the court if adoption  
27 is determined by the court to not be in the child's best  
28 interest, except as otherwise provided in subsection (2):

29           (a) Guardianship pursuant to chapter 744.

30           (b) Long-term custody.

31           (c) Long-term licensed custody.



1           (d) Independent living.

2  
3           The permanency placement is intended to continue until the  
4           child reaches the age of majority and shall not be disturbed  
5           absent a finding by the court that the circumstances of the  
6           permanency placement are no longer in the best interest of the  
7           child.

8           Section 15. Section 39.622, Florida Statutes, is  
9           created to read:

10           39.622 Long-term custody.--When the parents have  
11           either consented to long-term custody, had their parental  
12           rights terminated, or failed to substantially comply with a  
13           case plan, and the court determines at a judicial review  
14           hearing, or at an adjudication hearing held pursuant to this  
15           chapter, that reunification is not in the best interest of the  
16           child, the court may place the child in the long-term custody  
17           of an adult relative or other adult approved by the court who  
18           has had custody of the child for at least the 6 preceding  
19           months and is willing to care for the child, if all of the  
20           following conditions are met:

21           (1) A case plan describing the responsibilities of the  
22           relative or other adult, the department, and any other party  
23           has been submitted to the court.

24           (2) The case plan for the child does not include  
25           reunification with the parents or adoption by the relative or  
26           other adult.

27           (3) The child and the relative or other adult are  
28           determined not to need protective supervision or preventive  
29           services to ensure the stability of the long-term custodial  
30           relationship.

31

1       (4) Each party to the proceeding agrees that a  
2 long-term custodial relationship does not preclude the  
3 possibility of the child returning to the custody of the  
4 parent at a later date if the parent demonstrates a material  
5 change in circumstances and the return of the child to the  
6 parent is in the child's best interest.

7       (5) The court has considered the reasonable preference  
8 of the child if the court has found the child to be of  
9 sufficient intelligence, understanding, and experience to  
10 express a preference.

11       (6) The court has considered the recommendation of the  
12 guardian ad litem if one has been appointed.

13       (7) The relative or other adult has made a commitment  
14 to provide for the child until the child reaches the age of  
15 majority and to prepare the child for adulthood and  
16 independence.

17       (8) The relative or other adult agrees not to return  
18 the child to the physical care and custody of the person from  
19 whom the child was removed, including for short visitation  
20 periods, without the approval of the court.

21       (9) The court shall retain jurisdiction over the case,  
22 and the child shall remain in the long-term custody of the  
23 relative or other adult approved by the court, until the order  
24 creating the long-term custodial relationship is modified by  
25 the court. The court shall discontinue regular judicial-review  
26 hearings and may relieve the department of the responsibility  
27 for supervising the placement of the child whenever the court  
28 determines that the placement is stable and that such  
29 supervision is no longer needed. The child must be in the  
30 placement for a minimum of 6 continuous months before the  
31 court may consider termination of the department's

1 supervision. Notwithstanding the retention of jurisdiction,  
2 the placement shall be considered a permanency option for the  
3 child when the court relieves the department of the  
4 responsibility for supervising the placement. The order  
5 terminating supervision by the department shall set forth the  
6 powers of the custodian of the child and shall include the  
7 powers ordinarily granted to a guardian of the person of a  
8 minor unless otherwise specified. The court may modify the  
9 order terminating supervision of the long-term placement if it  
10 finds that the long-term placement is no longer in the best  
11 interest of the child.

12 (10) A relative or other legal custodian who has been  
13 designated as a long-term custodian shall have all of the  
14 rights and duties of a parent, including, but not limited to,  
15 the right and duty to protect, train, and discipline the child  
16 and to provide the child with food, shelter, and education,  
17 and ordinary medical, dental, psychiatric, and psychological  
18 care, unless these rights and duties are otherwise enlarged or  
19 limited by the court order establishing the long-term  
20 custodial relationship. The long-term custodian must inform  
21 the court in writing of any changes in the residence of the  
22 long-term custodian or the child.

23 Section 16. Section 39.623, Florida Statutes, is  
24 created to read:

25 39.623 Long-term licensed custody.--The court may  
26 approve placement of the child in long-term licensed custody,  
27 as a permanency option, when all of the following conditions  
28 are met:

29 (1) The child is 14 years of age or older.

30 (2) The child is living in a licensed home and the  
31 foster parents desire to provide care for the child on a

1 permanent basis and the foster parents and the child do not  
2 desire adoption.

3 (3) The foster parents have made a commitment to  
4 provide for the child until he or she reaches the age of  
5 majority and to prepare the child for adulthood and  
6 independence.

7 (4) The child has remained in the home for a  
8 continuous period of no less than 12 months.

9 (5) The foster parents and the child view one another  
10 as family and consider living together as the best place for  
11 the child to be on a permanent basis.

12 (6) The department's social services study recommends  
13 such placement and finds the child's well-being has been  
14 promoted through living with the foster parents.

15  
16 Notwithstanding the retention of jurisdiction and supervision  
17 by the department, long-term licensed custody placements made  
18 pursuant to this section shall be considered a permanency  
19 option for the child. For purposes of this section,  
20 supervision by the department shall be defined as a minimum of  
21 semiannual visits. The order placing the child in long-term  
22 licensed custody as a permanency option shall set forth the  
23 powers of the foster parents of the child and shall include  
24 the powers ordinarily granted to a guardian of the person of a  
25 minor unless otherwise specified. The court may modify the  
26 permanency option of long-term licensed custody if it finds  
27 that the placement is no longer in the best interest of the  
28 child.

29 Section 17. Section 39.624, Florida Statutes, is  
30 created to read:

31

1           39.624 Independent living.--The court may approve  
2 placement of the child in an independent living arrangement as  
3 permanency for any child 16 years of age or older, if it can  
4 be clearly established that this type of alternate care  
5 arrangement is the most appropriate plan and that the health,  
6 safety, and well-being of the child will not be jeopardized by  
7 such an arrangement. While in independent living situations,  
8 children whose legal custody has been awarded to the  
9 department or a licensed child-caring or child-placing agency,  
10 or who have been voluntarily placed with such an agency by a  
11 parent, guardian, relative, or adult approved by the court,  
12 continue to be subject to court review provisions until the  
13 child reaches the age of 18.

14           Section 18. Paragraph (b) of subsection (3) and  
15 paragraphs (b) and (c) of subsection (6) of section 39.701,  
16 Florida Statutes, are amended to read:

17           39.701 Judicial review.--

18           (3)

19           (b) If the citizen review panel recommends extending  
20 the goal of reunification for any case plan beyond 12 months  
21 from the date the child was removed from the home or the case  
22 plan was adopted, whichever date came first, the court must  
23 schedule a judicial review hearing to be conducted by the  
24 court within 30 days after receiving the recommendation from  
25 the citizen review panel.

26           (6)

27           (b) A copy of the social service agency's written  
28 report and the written report of the guardian ad litem must be  
29 served on all parties whose whereabouts are known; provided to  
30 the attorney of record of the parents; to the parents; to the  
31 foster parents or legal custodians; and to the ~~to each~~ citizen

1 ~~review panel, and to the guardian ad litem for the child, or~~  
2 ~~the representative of the guardian ad litem program if the~~  
3 ~~program has been appointed by the court, at least 72 hours~~  
4 ~~before the judicial review hearing or citizen review panel~~  
5 ~~hearing. The requirement for providing parents with a copy of~~  
6 ~~the written report does not apply to those parents who have~~  
7 ~~voluntarily surrendered their child for adoption or who have~~  
8 ~~had their parental rights to the child terminated.~~

9 (c) In a case in which the child has been permanently  
10 placed with the social service agency, the agency shall  
11 furnish to the court a written report concerning the progress  
12 being made to place the child for adoption. If the child  
13 cannot be placed for adoption, a report on the progress made  
14 by the child towards alternative permanency goals or  
15 placements, including, but not limited to, guardianship,  
16 long-term custody, long-term licensed custody foster care, or  
17 ~~independent living, custody to a relative or other adult~~  
18 ~~approved by the court on a permanent basis with or without~~  
19 ~~legal guardianship, or custody to a foster parent or legal~~  
20 ~~custodian on a permanent basis with or without legal~~  
21 ~~guardianship,~~ must be submitted to the court. The report must  
22 be submitted to the court at least 72 hours before each  
23 scheduled judicial review.

24 Section 19. Subsection (5) of section 39.803, Florida  
25 Statutes, is amended to read:

26 39.803 Identity or location of parent unknown after  
27 filing of termination of parental rights petition; special  
28 procedures.--

29 (5) If the inquiry under subsection (1) identifies a  
30 parent or prospective parent, and that person's location is  
31 unknown, the court shall direct the petitioner ~~department~~ to

1 conduct a diligent search for that person before scheduling an  
2 adjudicatory hearing regarding the petition for termination of  
3 parental rights to dependency of the child unless the court  
4 finds that the best interest of the child requires proceeding  
5 without actual notice to the person whose location is unknown.

6 Section 20. Section 39.804, Florida Statutes, is  
7 amended to read:

8 39.804 Penalties for false statements of  
9 paternity.--Any male person or any mother of a dependent child  
10 ~~A person~~ who knowingly and willfully makes a false statement  
11 concerning the claiming paternity of a child in conjunction  
12 with a petition to terminate parental rights under this  
13 chapter and causes such false statement of paternity to be  
14 filed with the court commits a misdemeanor of the first  
15 degree, punishable as provided in s. 775.082 or s. 775.083. A  
16 person who makes a statement claiming paternity in good faith  
17 is immune from criminal liability under this section.

18 Section 21. Paragraph (b) of subsection (1) of section  
19 39.806, Florida Statutes, is amended to read:

20 39.806 Grounds for termination of parental rights.--

21 (1) The department, the guardian ad litem, a licensed  
22 child-placing agency, or any person who has knowledge of the  
23 facts alleged or who is informed of said facts and believes  
24 that they are true, may petition for the termination of  
25 parental rights under any of the following circumstances:

26 (b) Abandonment as defined in s. 39.01(1) or when the  
27 identity or location of the parent or parents is unknown and  
28 cannot be ascertained by diligent search within 60 days.

29 Section 22. Paragraphs (a) and (b) of subsection (2)  
30 of section 39.807, Florida Statutes, are amended to read:

31 39.807 Right to counsel; guardian ad litem.--

1           (2)(a) The court shall appoint a guardian ad litem to  
2 represent the best interest of the child in any termination of  
3 parental rights proceedings and shall ascertain at each stage  
4 of the proceedings whether a guardian ad litem has been  
5 appointed.

6           (b) The guardian ad litem has the following  
7 responsibilities:

8           1. To investigate the allegations of the petition and  
9 any subsequent matters arising in the case and, unless excused  
10 by the court, to file a written report. This report must  
11 include a statement of the wishes of the child and the  
12 recommendations of the guardian ad litem and must be provided  
13 to all parties and the court at least 72 hours before the  
14 disposition hearing.

15           2. To be present at all court hearings unless excused  
16 by the court.

17           3. To represent the best interests of the child until  
18 the jurisdiction of the court over the child terminates or  
19 until excused by the court.

20           Section 23. Subsection (4) of section 39.811, Florida  
21 Statutes, is amended to read:

22           39.811 Powers of disposition; order of disposition.--

23           (4) If the child is neither in the custody of the  
24 department nor in the custody of a parent and the court finds  
25 that the grounds for termination of parental rights have been  
26 established for either or both parents, the court shall enter  
27 an order terminating parental rights for the parent or parents  
28 for whom the grounds for termination have been established and  
29 placing the child with the department or an appropriate legal  
30 custodian. If the parental rights of both parents have been  
31 terminated, or if the parental rights of only one parent have



1 | been terminated and the court makes specific findings based on  
2 | evidence presented that placement with the remaining parent is  
3 | likely to be harmful to the child, the court may order that  
4 | the child be placed with a legal custodian other than the  
5 | department after hearing evidence of the suitability of such  
6 | intended placement. Suitability of the intended placement  
7 | includes the fitness and capabilities of the proposed legal  
8 | custodian to function as the primary caregiver for a  
9 | particular child; and the compatibility of the child with the  
10 | home in which the child is intended to be placed. If the  
11 | court orders that a child be placed with a legal custodian  
12 | under this subsection, the court shall appoint such legal  
13 | custodian either as the guardian for the child as provided in  
14 | s. 744.3021 or as the long-term custodian of the child as  
15 | provided in s. 39.622 so long as the child has been residing  
16 | with the legal custodian for a minimum of 6 months. The court  
17 | may modify the order placing the child in the custody of the  
18 | legal custodian and revoke the guardianship established under  
19 | s. 744.3021 or the long-term custodial relationship if the  
20 | court subsequently finds the placement to be no longer in the  
21 | best interest of the child.

22 |           Section 24. Subsections (1) and (2) of section  
23 | 435.045, Florida Statutes, are amended to read:

24 |           435.045 Requirements for prospective foster or  
25 | adoptive parents.--

26 |           (1)(a) Unless an election provided for in subsection  
27 | (2) is made with respect to the state, the department shall  
28 | conduct criminal records checks equivalent to the level 2  
29 | screening required in s. 435.04(1) for any prospective foster  
30 | or adoptive parent before the foster or adoptive parent may be  
31 | finally approved for placement of a child on whose behalf

1 foster care maintenance payments or adoption assistance  
2 payments under s. 471 of the Social Security Act, 42 U.S.C. s.  
3 671, are to be made. Approval shall not be granted:

4 1.(a) In any case in which a record check reveals a  
5 felony conviction for child abuse, abandonment, or neglect;  
6 for spousal abuse; for a crime against children, including  
7 child pornography, or for a crime involving violence,  
8 including rape, sexual assault, or homicide but not including  
9 other physical assault or battery, if the department finds  
10 that a court of competent jurisdiction has determined that the  
11 felony was committed at any time; and

12 2.(b) In any case in which a record check reveals a  
13 felony conviction for physical assault, battery, or a  
14 drug-related offense, if the department finds that a court of  
15 competent jurisdiction has determined that the felony was  
16 committed within the past 5 years.

17 (b) Notwithstanding paragraph (a), the department may  
18 place a child in a foster home which otherwise meets licensing  
19 requirements if state and local criminal records checks do not  
20 disqualify the applicant and the department has submitted  
21 fingerprint information to the Florida Department of Law  
22 Enforcement for forwarding to the Federal Bureau of  
23 Investigation and is awaiting the results of the federal  
24 criminal records check.

25 (c) Prospective and approved foster parents must  
26 disclose to the department any prior or pending local, state,  
27 or federal criminal proceedings in which they are or have been  
28 involved.

29 (2) For purposes of this section, and ss. 39.401(3)  
30 and 39.521(1)(d)~~39.508(9)(b) and (10)(a)~~, the department and  
31 its authorized agents or contract providers are hereby

1 designated a criminal justice agency for the purposes of  
2 accessing criminal justice information, including National  
3 Crime Information Center information, to be used for enforcing  
4 Florida's laws concerning the crimes of child abuse,  
5 abandonment, and neglect. This information shall be used  
6 solely for purposes supporting the detection, apprehension,  
7 prosecution, pretrial release, posttrial release, or  
8 rehabilitation of criminal offenders or persons accused of the  
9 crimes of child abuse, abandonment, or neglect and shall not  
10 be further disseminated or used for any other purposes.

11 Section 25. Paragraph (b) of subsection (3) of section  
12 39.0015, Florida Statutes, is amended to read:

13 39.0015 Child abuse prevention training in the  
14 district school system.--

15 (3) DEFINITIONS.--As used in this section:

16 (b) "Child abuse" means those acts as defined in ss.  
17 39.01(1), (2), (30), (45), (47), (54), and (65) ~~(44)~~, ~~(46)~~,  
18 ~~(53)~~, and ~~(64)~~, 827.04, and 984.03(1), (2), and (39).

19 Section 26. Subsection (1) of section 39.302, Florida  
20 Statutes, is amended to read:

21 39.302 Protective investigations of institutional  
22 child abuse, abandonment, or neglect.--

23 (1) The department shall conduct a child protective  
24 investigation of each report of institutional child abuse,  
25 abandonment, or neglect. Upon receipt of a report which  
26 alleges that an employee or agent of the department, or any  
27 other entity or person covered by s. 39.01(32) or (49) ~~(48)~~,  
28 acting in an official capacity, has committed an act of child  
29 abuse, abandonment, or neglect, the department shall  
30 immediately initiate a child protective investigation and  
31 orally notify the appropriate state attorney, law enforcement

1 agency, and licensing agency. These agencies shall  
2 immediately conduct a joint investigation, unless independent  
3 investigations are more feasible. When conducting  
4 investigations onsite or having face-to-face interviews with  
5 the child, such investigation visits shall be unannounced  
6 unless it is determined by the department or its agent that  
7 such unannounced visits would threaten the safety of the  
8 child. When a facility is exempt from licensing, the  
9 department shall inform the owner or operator of the facility  
10 of the report. Each agency conducting a joint investigation  
11 shall be entitled to full access to the information gathered  
12 by the department in the course of the investigation. A  
13 protective investigation must include an onsite visit of the  
14 child's place of residence. In all cases, the department shall  
15 make a full written report to the state attorney within 3  
16 working days after making the oral report. A criminal  
17 investigation shall be coordinated, whenever possible, with  
18 the child protective investigation of the department. Any  
19 interested person who has information regarding the offenses  
20 described in this subsection may forward a statement to the  
21 state attorney as to whether prosecution is warranted and  
22 appropriate. Within 15 days after the completion of the  
23 investigation, the state attorney shall report the findings to  
24 the department and shall include in such report a  
25 determination of whether or not prosecution is justified and  
26 appropriate in view of the circumstances of the specific case.

27 Section 27. Paragraph (b) of subsection (10) of  
28 section 409.2554, Florida Statutes, is amended to read:

29 409.2554 Definitions.--As used in ss.

30 409.2551-409.2598, the term:

31 (10) "Support" means:

1 (b) Support for a child who is placed under the  
2 custody of someone other than the custodial parent pursuant to  
3 s. 39.521, s. 39.522, s. 39.622, s. 39.623, or s. 39.624 ~~s.~~  
4 ~~39.508~~.

5 Section 28. Subsection (3) of section 402.40, Florida  
6 Statutes, is repealed.

7 Section 29. This act shall take effect July 1, 2000.  
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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 2282

- 4
- 5 - Reinstates the proceedings over which a filed court  
6 order of dependency has precedence relative to other  
7 custody or visitation orders to apply to the dissolution  
8 or other custody action or proceeding.
- 9 - Removes the statement added to s. 39.013, F.S., that the  
10 confidentiality of dependency orders addressing custody  
11 and visitation issues must be maintained. This language  
12 appears elsewhere in law.
- 13 - Adds to the stipulation that adoption is the primary  
14 permanency option available to the court to provide that  
15 the court is to recognize the permanency of those  
16 placements where the child is placed with a relative or  
17 with a relative of the child's half-brother or  
18 half-sister without requiring the relatives to adopt the  
19 child. Conforming revisions modifying the priority of  
20 adoption is made in another section of the bill.
- 21 - Deletes from the bill the provision that the penalty  
22 provisions regarding unauthorized release of  
23 confidential information applies to the entire section  
24 and thus returns to current law that the provision  
25 applies just to the information obtained through the  
26 central abuse hotline.
- 27 - Modifies the stipulation setting forth the contents of  
28 an order adjudicating dependency to provide that the  
29 court has the power to order the identified contents,  
30 instead of requiring that the courts order these  
31 contents.
- Removes from the requirements for what must be included  
in a disposition order that the court determines the  
amount of child support to be paid.
- Adds to the Relative Caregiver Program intent language  
that the Legislature recognizes that permanency in the  
best interest of the child can be achieved through a  
variety of permanency options, including long-term  
custody, guardianship, or adoption.
- Removes from the bill the provision that a case plan for  
a child receiving services in an out-of-home placement  
include alternative permanency goals when appropriate  
and thus returns the provision to current law regarding  
the reasonable efforts towards an adoptive placement.
- Reinstates language, as it relates to the requirements  
for placement and a case plan involving long term  
custody regarding later efforts by a parent to petition  
for reunification.
- Modifies one of the conditions for placing a child in  
long-term custody to reinstate the current requirement

1           that the child must be in placement for a minimum of 6  
2           continuous months before the court may consider  
3           termination of the department's supervision.  
4           -       Repeals s. 402.40(3) and abolishes the Child Welfare  
5                   Standards and Training Council.  
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