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1 A bill to be entitled

2 An act relating to child custody placement; amending s.
3 39.521, F.S.; revising procedures for the placement of a
4 child adjudicated dependent to provide for the child to be
5 placed with a residential child-caring agency or in a
6 family foster home; amending s. 39.623, F.S.; revising
7 options and requirements for the long-term custody
8 placement of a child; amending s. 39.704, F.S.; providing
9 an exemption from judicial review; providing an effective
10 date.

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

13
14 Section 1. Paragraphs (b) and (d) of subsection (1) and
15 paragraphs (c) and (d) of subsection (3) of section 39.521,
16 Florida Statutes, are amended to read:

17 39.521 Disposition hearings; powers of disposition.--

18 (1) A disposition hearing shall be conducted by the court,
19 if the court finds that the facts alleged in the petition for
20 dependency were proven in the adjudicatory hearing, or if the
21 parents or legal custodians have consented to the finding of
22 dependency or admitted the allegations in the petition, have
23 failed to appear for the arraignment hearing after proper
24 notice, or have not been located despite a diligent search
25 having been conducted.

26 (b) When any child is adjudicated by a court to be
27 dependent, the court having jurisdiction of the child has the
28 power by order to:



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29 1. Require the parent and, when appropriate, the legal
30 custodian and the child, to participate in treatment and
31 services identified as necessary.

32 2. Require, if the court deems necessary, the parties to
33 participate in dependency mediation.

34 3. Require placement of the child either under the
35 protective supervision of an authorized agent of the department
36 in the home of one or both of the child's parents or in the home
37 of a relative of the child or another adult approved by the
38 court, or in the custody of the department or a child care
39 facility registered under s. 409.176. Protective supervision
40 continues until the court terminates it or until the child
41 reaches the age of 18, whichever date is first. Protective
42 supervision shall be terminated by the court whenever the court
43 determines that permanency has been achieved for the child,
44 whether with a parent, another relative, or a legal custodian,
45 and that protective supervision is no longer needed. The
46 termination of supervision may be with or without retaining
47 jurisdiction, at the court's discretion, and shall in either
48 case be considered a permanency option for the child. The order
49 terminating supervision by the department shall set forth the
50 powers of the custodian of the child and shall include the
51 powers ordinarily granted to a guardian of the person of a minor
52 unless otherwise specified. Upon the court's termination of
53 supervision by the department, no further judicial reviews are
54 required, so long as permanency has been established for the
55 child.

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



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- 58 1. The placement or custody of the child.
- 59 2. Special conditions of placement and visitation.
- 60 3. Evaluation, counseling, treatment activities, and other
61 actions to be taken by the parties, if ordered.
- 62 4. The persons or entities responsible for supervising or
63 monitoring services to the child and parent.
- 64 5. Continuation or discharge of the guardian ad litem, as
65 appropriate.
- 66 6. The date, time, and location of the next scheduled
67 review hearing, which must occur within the earlier of:
- 68 a. Ninety days after the disposition hearing;
- 69 b. Ninety days after the court accepts the case plan;
- 70 c. Six months after the date of the last review hearing;
- 71 or
- 72 d. Six months after the date of the child's removal from
73 his or her home, if no review hearing has been held since the
74 child's removal from the home.
- 75 7. If the child is in an out-of-home placement, child
76 support to be paid by the parents, or the guardian of the
77 child's estate if possessed of assets which under law may be
78 disbursed for the care, support, and maintenance of the child.
79 The court may exercise jurisdiction over all child support
80 matters, shall adjudicate the financial obligation, including
81 health insurance, of the child's parents or guardian, and shall
82 enforce the financial obligation as provided in chapter 61. The
83 state's child support enforcement agency shall enforce child
84 support orders under this section in the same manner as child
85 support orders under chapter 61. Placement of the child shall
86 not be contingent upon issuance of a support order.



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87 8.a. If the court does not commit the child to the
88 temporary legal custody of an adult relative, legal custodian,
89 or other adult approved by the court, the disposition order
90 shall include the reasons for such a decision and shall include
91 a determination as to whether diligent efforts were made by the
92 department to locate an adult relative, legal custodian, or
93 other adult willing to care for the child in order to present
94 that placement option to the court instead of placement with the
95 department.

96 b. If diligent efforts are made to locate an adult
97 relative willing and able to care for the child but, because no
98 suitable relative is found, the child is placed with the
99 department, a Type II child care facility under s. 409.176, or a
100 legal custodian or other adult approved by the court, both the
101 department and the court shall consider transferring temporary
102 legal custody to an adult relative approved by the court at a
103 later date, but neither the department nor the court is
104 obligated to so place the child if it is in the child's best
105 interest to remain in the current placement.

106
107 For the purposes of this subparagraph, "diligent efforts to
108 locate an adult relative" means a search similar to the diligent
109 search for a parent, but without the continuing obligation to
110 search after an initial adequate search is completed.

111 9. Other requirements necessary to protect the health,
112 safety, and well-being of the child, to preserve the stability
113 of the child's educational placement, and to promote family
114 preservation or reunification whenever possible.



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115 (3) When any child is adjudicated by a court to be
116 dependent, the court shall determine the appropriate placement
117 for the child as follows:

118 (c) If no fit parent is willing or available to assume
119 care and custody of the child, place the child in the temporary
120 legal custody of a Type II child care facility under s. 409.176
121 or an adult relative or other adult approved by the court who is
122 willing to care for the child, under the protective supervision
123 of the department. The department must supervise this placement
124 until the child reaches permanency status in this home, and in
125 no case for a period of less than 6 months. Permanency in a
126 relative placement shall be by adoption, long-term custody, or
127 guardianship.

128 (d) If the child cannot be safely placed in a nonlicensed
129 placement or in a Type II child care facility, the court shall
130 commit the child to the temporary legal custody of the
131 department. Such commitment invests in the department all rights
132 and responsibilities of a legal custodian. The department shall
133 not return any child to the physical care and custody of the
134 person from whom the child was removed, except for court-
135 approved visitation periods, without the approval of the court.
136 The term of such commitment continues until terminated by the
137 court or until the child reaches the age of 18. After the child
138 is committed to the temporary legal custody of the department,
139 all further proceedings under this section are governed by this
140 chapter.

141
142 Protective supervision continues until the court terminates it
143 or until the child reaches the age of 18, whichever date is



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144 first. Protective supervision shall be terminated by the court
145 whenever the court determines that permanency has been achieved
146 for the child, whether with a parent, another relative, or a
147 legal custodian, and that protective supervision is no longer
148 needed. The termination of supervision may be with or without
149 retaining jurisdiction, at the court's discretion, and shall in
150 either case be considered a permanency option for the child. The
151 order terminating supervision by the department shall set forth
152 the powers of the custodian of the child and shall include the
153 powers ordinarily granted to a guardian of the person of a minor
154 unless otherwise specified. Upon the court's termination of
155 supervision by the department, no further judicial reviews are
156 required, so long as permanency has been established for the
157 child.

158 Section 2. Section 39.623, Florida Statutes, is amended to
159 read:

160 39.623 Long-term licensed or registered custody.--The
161 court may approve placement of the child in long-term licensed
162 or registered custody, as a permanency option, when all of the
163 following conditions are met:

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

165 (2) The child is living in a licensed or registered home
166 and the foster parents desire to provide care for the child on a
167 permanent basis and the foster parents and the child do not
168 desire adoption.

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



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

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

177 (6) The department's or the registered agency's social
178 services study recommends such placement and finds the child's
179 well-being has been promoted through living with the foster
180 parents.

181
182 Notwithstanding the retention of jurisdiction and supervision by
183 the department or the registered agency, long-term licensed or
184 registered custody placements made pursuant to this section
185 shall be considered a permanency option for the child. For
186 purposes of this section, supervision by the department shall be
187 defined as a minimum of semiannual visits. The order placing the
188 child in long-term licensed or registered custody as a
189 permanency option shall set forth the powers of the foster
190 parents of the child and shall include the powers ordinarily
191 granted to a guardian of the person of a minor unless otherwise
192 specified. The court may modify the permanency option of long-
193 term licensed or registered custody if it finds that the
194 placement is no longer in the best interest of the child.

195 Section 3. Section 39.704, Florida Statutes, is amended to
196 read:

197 39.704 Exemptions from judicial review.--Judicial review
198 does not apply to:

199 (1) Minors who have been placed in adoptive homes by a
200 licensed child-placing agency; ~~or~~



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201 (2) Minors who are refugees or entrants to whom federal
202 regulations apply and who are in the care of a social service
203 agency; or

204 (3) Minors who are placed in a registered Type II facility
205 or boarding school directly by their parents or legal guardian
206 and for whom no current court case exists.

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