

By Senator Campbell

32-1871-04

See HB 757

1 A bill to be entitled
2 An act relating to adoption; amending s.
3 39.812, F.S.; restricting the ability of the
4 Department of Children and Family Services to
5 remove a child from the home of a foster parent
6 or court-ordered custodian under certain
7 circumstances; providing an exception to a
8 requirement that a department consent be
9 attached to an adoption petition; amending s.
10 63.062, F.S.; requiring a waiver of department
11 consent under certain circumstances; providing
12 an effective date.

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

16 Section 1. Subsections (4) and (5) of section 39.812,
17 Florida Statutes, are amended to read:

18 39.812 Postdisposition relief; petition for
19 adoption.--

20 (4) The court shall retain jurisdiction over any child
21 placed in the custody of the department until the child is
22 adopted. After custody of a child for subsequent adoption has
23 been given to the department, the court has jurisdiction for
24 the purpose of reviewing the status of the child and the
25 progress being made toward permanent adoptive placement. As
26 part of this continuing jurisdiction, for good cause shown by
27 the guardian ad litem for the child, the court may review the
28 appropriateness of the adoptive placement of the child. When a
29 licensed foster parent or court-ordered custodian has applied
30 to adopt a child who has resided with the foster parent or
31 custodian for at least 6 months and who has previously been

1 permanently committed to the legal custody of the department
2 and the department does not grant the application to adopt,
3 the department may not, in the absence of a prior court order
4 authorizing it to do so, remove the child from the foster home
5 or custodian, except when:

6 (a) There is probable cause to believe that the child
7 is at imminent risk of abuse or neglect;

8 (b) Thirty days have expired following written notice
9 to the foster parent or custodian of the denial of the
10 application to adopt, within which period no formal challenge
11 of the department's decision has been filed; or

12 (c) The foster parent or custodian agrees to the
13 child's removal.

14 (5) The petition for adoption must be filed in the
15 division of the circuit court which entered the judgment
16 terminating parental rights, unless a motion for change of
17 venue is granted pursuant to s. 47.122. A copy of the consent
18 executed by the department as required under s. 63.062(7) must
19 be attached to the petition, unless the court determines that
20 such consent is being unreasonably withheld. The petition must
21 be accompanied by a form provided by the department which
22 details the social and medical history of the child and each
23 parent and includes the social security number and date of
24 birth for each parent, if such information is available or
25 readily obtainable. The person seeking to adopt the child may
26 not file a petition for adoption until the judgment
27 terminating parental rights becomes final. An adoption
28 proceeding under this subsection is governed by chapter 63, as
29 limited under s. 63.037.

30 Section 2. Subsection (7) of section 63.062, Florida
31 Statutes, is amended to read:

1 63.062 Persons required to consent to adoption;
2 affidavit of nonpaternity; waiver of venue.--

3 (7) If parental rights to the minor have previously
4 been terminated, the adoption entity with which the minor has
5 been placed for subsequent adoption may provide consent to the
6 adoption. In such case, no other consent is required. The
7 consent of the department shall be waived upon a determination
8 by the court that such consent is being unreasonably withheld.

9 Section 3. This act shall take effect upon becoming a
10 law.

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