

HB 0757

2004

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

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

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

16 39.812 Postdisposition relief; petition for adoption.--

17 (4) The court shall retain jurisdiction over any child
 18 placed in the custody of the department until the child is
 19 adopted. After custody of a child for subsequent adoption has
 20 been given to the department, the court has jurisdiction for the
 21 purpose of reviewing the status of the child and the progress
 22 being made toward permanent adoptive placement. As part of this
 23 continuing jurisdiction, for good cause shown by the guardian ad
 24 litem for the child, the court may review the appropriateness of
 25 the adoptive placement of the child. When a licensed foster
 26 parent or court-ordered custodian has applied to adopt a child
 27 who has resided with the foster parent or custodian for at least
 28 6 months and who has previously been permanently committed to
 29 the legal custody of the department and the department does not

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30 grant the application to adopt, the department may not, in the
31 absence of a prior court order authorizing it to do so, remove
32 the child from the foster home or custodian, except when:

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

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

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

41 (5) The petition for adoption must be filed in the
42 division of the circuit court which entered the judgment
43 terminating parental rights, unless a motion for change of venue
44 is granted pursuant to s. 47.122. A copy of the consent executed
45 by the department as required under s. 63.062(7) must be
46 attached to the petition, unless the court determines that such
47 consent is being unreasonably withheld. The petition must be
48 accompanied by a form provided by the department which details
49 the social and medical history of the child and each parent and
50 includes the social security number and date of birth for each
51 parent, if such information is available or readily obtainable.
52 The person seeking to adopt the child may not file a petition
53 for adoption until the judgment terminating parental rights
54 becomes final. An adoption proceeding under this subsection is
55 governed by chapter 63, as limited under s. 63.037.

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

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58 63.062 Persons required to consent to adoption; affidavit
59 of nonpaternity; waiver of venue.--

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

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