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CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

15
16 Be It Enacted by the Legislature of the State of Florida:

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

20 39.812 Postdisposition relief; petition for adoption.--

21 (4) The court shall retain jurisdiction over any child
22 placed in the custody of the department until the child is
23 adopted. After custody of a child for subsequent adoption has

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24 | been given to the department, the court has jurisdiction for the
25 | purpose of reviewing the status of the child and the progress
26 | being made toward permanent adoptive placement. As part of this
27 | continuing jurisdiction, for good cause shown by the guardian ad
28 | litem for the child, the court may review the appropriateness of
29 | the adoptive placement of the child. When a licensed foster
30 | parent or court-ordered custodian has applied to adopt a child
31 | who has resided with the foster parent or custodian for at least
32 | 6 months and who has previously been permanently committed to
33 | the legal custody of the department and the department does not
34 | grant the application to adopt, the department may not, in the
35 | absence of a prior court order authorizing it to do so, remove
36 | the child from the foster home or custodian, except when:

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

39 | (b) Thirty days have expired following written notice to
40 | the foster parent or custodian of the denial of the application
41 | to adopt, within which period no formal challenge of the
42 | department's decision has been filed; or

43 | (c) The foster parent or custodian agrees to the child's
44 | removal.

45 | (5) The petition for adoption must be filed in the
46 | division of the circuit court which entered the judgment
47 | terminating parental rights, unless a motion for change of venue
48 | is granted pursuant to s. 47.122. A copy of the consent executed
49 | by the department as required under s. 63.062(7) must be
50 | attached to the petition, unless the court determines that such
51 | consent is being unreasonably withheld, provided that the

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52 | petitioner has filed with the court a favorable preliminary
53 | adoptive home study performed by a licensed child-placing
54 | agency, a child-caring agency registered under s. 409.176, or a
55 | licensed professional or agency described in s. 61.20(2). The
56 | petition must be accompanied by a form provided by the
57 | department which details the social and medical history of the
58 | child and each parent and includes the social security number
59 | and date of birth for each parent, if such information is
60 | available or readily obtainable. The person seeking to adopt the
61 | child may not file a petition for adoption until the judgment
62 | terminating parental rights becomes final. An adoption
63 | proceeding under this subsection is governed by chapter 63, as
64 | limited under s. 63.037.

65 | Section 2. Subsection (7) of section 63.062, Florida
66 | Statutes, is amended to read:

67 | 63.062 Persons required to consent to adoption; affidavit
68 | of nonpaternity; waiver of venue.--

69 | (7) If parental rights to the minor have previously been
70 | terminated, the adoption entity with which the minor has been
71 | placed for subsequent adoption may provide consent to the
72 | adoption. In such case, no other consent is required. The
73 | consent of the department shall be waived upon a determination
74 | by the court that such consent is being unreasonably withheld,
75 | provided that the petitioner has filed with the court a
76 | favorable preliminary adoptive home study performed by a
77 | licensed child-placing agency, a child-caring agency registered
78 | under s. 409.176, or a licensed professional or agency described
79 | in s. 61.20(2).

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