

Bill No. CS for CS for SB 1080

Barcode 411976

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>
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Senator Campbell moved the following amendment:

**Senate Amendment**

On page 47, lines 3, through  
page 68, line 28, delete those lines

and insert:

(16) At the conclusion of a shelter hearing, the court shall notify all parties in writing of the next scheduled hearing to review the shelter placement. The ~~Such~~ hearing shall be held no later than 30 days after placement of the child in shelter status, in conjunction with the arraignment hearing, and at such times as are otherwise provided by law or determined by the court to be necessary.

(17) At the shelter hearing, the court shall inquire of the parent whether the parent has relatives who might be considered as a placement for the child. The parent shall provide to the court and all parties identification and location information regarding the relatives. The court shall advise the parent that the parent has a continuing duty to inform the department of any relative who should be considered

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1 for placement of the child.

2       (18) The court shall advise the parents that, if the  
3 parents fail to substantially comply with the case plan, their  
4 parental rights may be terminated and that the child's  
5 out-of-home placement may become permanent.

6           Section 11. Present subsections (7) and (8) of section  
7 39.507, Florida Statutes, are redesignated as subsections (8)  
8 and (9), respectively, and a new subsection (7) is added to  
9 that section, to read:

10           39.507 Adjudicatory hearings; orders of  
11 adjudication.--

12       (7) If a court adjudicates a child dependent and the  
13 child is in out-of-home care, the court shall inquire of the  
14 parent or parents whether the parents have relatives who might  
15 be considered as a placement for the child. The court shall  
16 advise the parents that, if the parents fail to substantially  
17 comply with the case plan, their parental rights may be  
18 terminated and that the child's out-of-home placement may  
19 become permanent. The parent or parents shall provide to the  
20 court and all parties identification and location information  
21 of the relatives.

22           Section 12. Paragraph (c) of subsection (1) and  
23 paragraph (a) of subsection (2) of section 39.5085, Florida  
24 Statutes, are amended to read:

25           39.5085 Relative Caregiver Program.--

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

28       (c) Recognize that permanency in the best interests of  
29 the child can be achieved through a variety of permanency  
30 options, including permanent guardianship under s. 39.6221 if  
31 the guardian is a relative, by permanent placement with a fit

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1 and willing relative under s. 39.6231, by a relative ~~long-term~~  
 2 relative custody, guardianship under chapter 744, or adoption,  
 3 by providing additional placement options and incentives that  
 4 will achieve permanency and stability for many children who  
 5 are otherwise at risk of foster care placement because of  
 6 abuse, abandonment, or neglect, but who may successfully be  
 7 able to be placed by the dependency court in the care of such  
 8 relatives.

9           (2)(a) The Department of Children and Family Services  
 10 shall establish and operate the Relative Caregiver Program  
 11 pursuant to eligibility guidelines established in this section  
 12 as further implemented by rule of the department. The Relative  
 13 Caregiver Program shall, within the limits of available  
 14 funding, provide financial assistance to:

15           1. Relatives who are within the fifth degree by blood  
 16 or marriage to the parent or stepparent of a child and who are  
 17 caring full-time for that dependent child in the role of  
 18 substitute parent as a result of a court's determination of  
 19 child abuse, neglect, or abandonment and subsequent placement  
 20 with the relative under ~~pursuant to~~ this chapter.

21           2. Relatives who are within the fifth degree by blood  
 22 or marriage to the parent or stepparent of a child and who are  
 23 caring full-time for that dependent child, and a dependent  
 24 half-brother or half-sister of that dependent child, in the  
 25 role of substitute parent as a result of a court's  
 26 determination of child abuse, neglect, or abandonment and  
 27 subsequent placement with the relative under ~~pursuant to~~ this  
 28 chapter.

29  
 30 The ~~Such~~ placement may be ~~either~~ court-ordered temporary legal  
 31 custody to the relative under protective supervision of the

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1 department pursuant to s. 39.521(1)(b)3., or court-ordered  
 2 placement in the home of a relative as a permanency option  
 3 under s. 39.6221 or s. 39.6231 or under s. 39.622 if the  
 4 placement was made before July 1, 2006 ~~pursuant to s. 39.622.~~

5 The Relative Caregiver Program shall offer financial  
 6 assistance to caregivers who are relatives and who would be  
 7 unable to serve in that capacity without the relative  
 8 caregiver payment because of financial burden, thus exposing  
 9 the child to the trauma of placement in a shelter or in foster  
 10 care.

11 Section 13. Paragraph (d) of subsection (1) of section  
 12 39.521, Florida Statutes, is amended to read:

13 39.521 Disposition hearings; powers of disposition.--

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

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

- 24 1. The placement or custody of the child.
- 25 2. Special conditions of placement and visitation.
- 26 3. Evaluation, counseling, treatment activities, and  
 27 other actions to be taken by the parties, if ordered.
- 28 4. The persons or entities responsible for supervising  
 29 or monitoring services to the child and parent.
- 30 5. Continuation or discharge of the guardian ad litem,  
 31 as appropriate.

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

22           8.a. If the court does not commit the child to the  
23 temporary legal custody of an adult relative, legal custodian,  
24 or other adult approved by the court, the disposition order  
25 shall include the reasons for such a decision and shall  
26 include a determination as to whether diligent efforts were  
27 made by the department to locate an adult relative, legal  
28 custodian, or other adult willing to care for the child in  
29 order to present that placement option to the court instead of  
30 placement with the department.

31           b. ~~If diligent efforts are made to locate an adult~~

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1 ~~relative willing and able to care for the child but, because~~  
 2 no suitable relative is found and, the child is placed with  
 3 the department or a legal custodian or other adult approved by  
 4 the court, both the department and the court shall consider  
 5 transferring temporary legal custody to an adult relative  
 6 approved by the court at a later date, but neither the  
 7 department nor the court is obligated to so place the child if  
 8 it is in the child's best interest to remain in the current  
 9 placement.

10

11 For the purposes of this section ~~subparagraph~~, "diligent  
 12 efforts to locate an adult relative" means a search similar to  
 13 the diligent search for a parent, but without the continuing  
 14 obligation to search after an initial adequate search is  
 15 completed.

16           9. Other requirements necessary to protect the health,  
 17 safety, and well-being of the child, to preserve the stability  
 18 of the child's educational placement, and to promote family  
 19 preservation or reunification whenever possible.

20           Section 14. Subsection (1) of section 39.522, Florida  
 21 Statutes, is amended to read:

22           39.522 Postdisposition change of custody.--The court  
 23 may change the temporary legal custody or the conditions of  
 24 protective supervision at a postdisposition hearing, without  
 25 the necessity of another adjudicatory hearing.

26           (1) A child who has been placed in the child's own  
 27 home under the protective supervision of an authorized agent  
 28 of the department, in the home of a relative, in the home of a  
 29 legal custodian, or in some other place may be brought before  
 30 the court by the department or by any other interested person,  
 31 upon the filing of a petition alleging a need for a change in

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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. When  
 10 applying this standard, the court shall consider the  
 11 continuity of the child's placement in the same out-of-home  
 12 residence as a factor when determining the best interests of  
 13 the child. If the child is not placed in foster care, then the  
 14 new placement for the child must meet the home study criteria  
 15 and court approval pursuant to this chapter.

16 Section 15. Section 39.6011, Florida Statutes, is  
 17 created to read:

18 39.6011 Case plan development.--

19 (1) The department shall prepare a draft of the case  
 20 plan for each child receiving services under this chapter. A  
 21 parent of a child may not be threatened or coerced with the  
 22 loss of custody or parental rights for failing to admit in the  
 23 case plan of abusing, neglecting, or abandoning a child.  
 24 Participating in the development of a case plan is not an  
 25 admission to any allegation of abuse, abandonment, or neglect,  
 26 and it is not a consent to a finding of dependency or  
 27 termination of parental rights. The case plan shall be  
 28 developed subject to the following requirements:

29 (a) The case plan must be developed in a face-to-face  
 30 conference with the parent of the child, any court-appointed  
 31 guardian ad litem, and, if appropriate, the child and the

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1 temporary custodian of the child.

2 (b) The parent may receive assistance from any person  
3 or social service agency in preparing the case plan. The  
4 social service agency, the department, and the court, when  
5 applicable, shall inform the parent of the right to receive  
6 such assistance, including the right to assistance of counsel.

7 (c) If a parent is unwilling or unable to participate  
8 in developing a case plan, the department shall document that  
9 unwillingness or inability to participate. The documentation  
10 must be provided in writing to the parent when available for  
11 the court record, and the department shall prepare a case plan  
12 conforming as nearly as possible with the requirements set  
13 forth in this section. The unwillingness or inability of the  
14 parent to participate in developing a case plan does not  
15 preclude the filing of a petition for dependency or for  
16 termination of parental rights. The parent, if available, must  
17 be provided a copy of the case plan and be advised that he or  
18 she may, at any time before the filing of a petition for  
19 termination of parental rights, enter into a case plan and  
20 that he or she may request judicial review of any provision of  
21 the case plan with which he or she disagrees at any court  
22 hearing set for the child.

23 (2) The case plan must be written simply and clearly  
24 in English and, if English is not the principal language of  
25 the child's parent, to the extent possible in the parent's  
26 principal language. Each case plan must contain:

27 (a) A description of the identified problem being  
28 addressed, including the parent's behavior or acts resulting  
29 in risk to the child and the reason for the intervention by  
30 the department.

31 (b) The permanency goal as defined in s. 39.01(51).



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1       (c) If concurrent planning is being used, a  
2 description of the permanency goal of reunification with the  
3 parent or legal custodian in addition to a description of one  
4 of the remaining permanency goals described in s. 39.01(51).

5       (d) The date the compliance period expires. The case  
6 plan must be limited to as short a period as possible for  
7 accomplishing its provisions. The plan's compliance period  
8 expires no later than 12 months after the date the child was  
9 initially removed from the home or the date the case plan was  
10 accepted by the court, whichever occurs sooner.

11       (e) A written notice to the parent that failure of the  
12 parent to substantially comply with the case plan may result  
13 in the termination of parental rights, and that a material  
14 breach of the case plan may result in the filing of a petition  
15 for termination of parental rights sooner than the compliance  
16 period set forth in the case plan.

17       (3) The case plan must be signed by all parties,  
18 except that the signature of a child may be waived if the  
19 child is not of an age or capacity to participate in the  
20 case-planning process. Signing the case plan constitutes an  
21 acknowledgement that the case plan has been developed by the  
22 parties and that they are in agreement as to the terms and  
23 conditions contained in the case plan. The refusal of a parent  
24 to sign the case plan does not prevent the court from  
25 accepting the case plan if the case plan is otherwise  
26 acceptable to the court. Signing the case plan does not  
27 constitute an admission to any allegation of abuse,  
28 abandonment, or neglect and does not constitute consent to a  
29 finding of dependency or termination of parental rights.  
30 Before signing the case plan, the department shall explain the  
31 provisions of the plan to all persons involved in its

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1 implementation, including, when appropriate, the child.

2 (4) The case plan must describe:

3 (a) The role of the foster parents or legal custodians  
4 when developing the services that are to be provided to the  
5 child, foster parents, or legal custodians;

6 (b) The minimum number of face-to-face meetings to be  
7 held each month between the parents and the department's  
8 family services counselors to review the progress of the plan,  
9 to eliminate barriers to progress, and to resolve conflicts or  
10 disagreements; and

11 (c) The parent's responsibility for financial support  
12 of the child, including, but not limited to, health insurance  
13 and child support. The case plan must list the costs  
14 associated with any services or treatment that the parent and  
15 child are expected to receive which are the financial  
16 responsibility of the parent. The determination of child  
17 support and other financial support shall be made  
18 independently of any determination of indigency under s.  
19 39.013.

20 (5) When the permanency goal for a child is adoption,  
21 the case plan must include documentation of the steps the  
22 agency is taking to find an adoptive family or other permanent  
23 living arrangement for the child. At a minimum, the  
24 documentation shall include recruitment efforts that are  
25 specific to the child, such as the use of state, regional, and  
26 national adoption exchanges, including electronic exchange  
27 systems.

28 (6) After the case plan has been developed, the  
29 department shall adhere to the following procedural  
30 requirements:

31 (a) If the parent's substantial compliance with the

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1 case plan requires the department to provide services to the  
 2 parents or the child and the parents agree to begin compliance  
 3 with the case plan before the case plan's acceptance by the  
 4 court, the department shall make the appropriate referrals for  
 5 services that will allow the parents to begin the agreed-upon  
 6 tasks and services immediately.

7 (b) After the case plan has been agreed upon and  
 8 signed by the parties, a copy of the plan must be given  
 9 immediately to the parties, including the child if  
 10 appropriate, and to other persons as directed by the court.

11 1. A case plan must be prepared, but need not be  
 12 submitted to the court, for a child who will be in care no  
 13 longer than 30 days unless that child is placed in out-of-home  
 14 care a second time within a 12-month period.

15 2. In each case in which a child has been placed in  
 16 out-of-home care, a case plan must be prepared within 60 days  
 17 after the department removes the child from the home and shall  
 18 be submitted to the court before the disposition hearing for  
 19 the court to review and approve.

20 3. After jurisdiction attaches, all case plans must be  
 21 filed with the court and a copy provided to all the parties  
 22 whose whereabouts are known not less than 3 business days  
 23 before the disposition hearing. The department shall file with  
 24 the court, and provide copies to the parties, all case plans  
 25 prepared before jurisdiction of the court attached.

26 (7) The case plan must be filed with the court and  
 27 copies provided to all parties, including the child if  
 28 appropriate, not less than 3 business days before the  
 29 disposition hearing.

30 (8) The case plan must describe a process for making  
 31 available to all physical custodians and family services

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1 counselors the information required by s. 39.6012(2) and for  
2 ensuring that this information follows the child until  
3 permanency has been achieved.

4 Section 16. Section 39.6012, Florida Statutes, is  
5 created to read:

6 39.6012 Case plan tasks; services.--

7 (1) The services to be provided to the parent and the  
8 tasks that must be completed are subject to the following:

9 (a) The services described in the case plan must be  
10 designed to improve the conditions in the home and aid in  
11 maintaining the child in the home, facilitate the child's safe  
12 return to the home, ensure proper care of the child, or  
13 facilitate the child's permanent placement. The services  
14 offered must be the least intrusive possible into the life of  
15 the parent and child, must focus on clearly defined  
16 objectives, and must provide the most efficient path to quick  
17 reunification or permanent placement given the circumstances  
18 of the case and the child's need for safe and proper care.

19 (b) The case plan must describe each of the tasks with  
20 which the parent must comply and the services to be provided  
21 to the parent, specifically addressing the identified problem,  
22 including:

23 1. The type of services or treatment.

24 2. The date the department will provide each service  
25 or referral for the service if the service is being provided  
26 by the department or its agent.

27 3. The date by which the parent must complete each  
28 task.

29 4. The frequency of services or treatment provided.  
30 The frequency of the delivery of services or treatment  
31 provided shall be determined by the professionals providing

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1 the services or treatment on a case-by-case basis and adjusted  
2 according to their best professional judgment.

3 5. The location of the delivery of the services.

4 6. The staff of the department or service provider  
5 accountable for the services or treatment.

6 7. A description of the measurable objectives,  
7 including the timeframes specified for achieving the  
8 objectives of the case plan and addressing the identified  
9 problem.

10 (2) The case plan must include all available  
11 information that is relevant to the child's care including, at  
12 a minimum:

13 (a) A description of the identified needs of the child  
14 while in care.

15 (b) A description of the plan for ensuring that the  
16 child receives safe and proper care and that services are  
17 provided to the child in order to address the child's needs.  
18 To the extent available and accessible, the following health,  
19 mental health, and education information and records of the  
20 child must be attached to the case plan and updated throughout  
21 the judicial-review process:

22 1. The names and addresses of the child's health,  
23 mental health, and educational providers;

24 2. The child's grade-level performance;

25 3. The child's school record;

26 4. Assurances that the child's placement takes into  
27 account proximity to the school in which the child is enrolled  
28 at the time of placement;

29 5. A record of the child's immunizations;

30 6. The child's known medical history, including any  
31 known problems;

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1           7. The child's medications, if any; and

2           8. Any other relevant health, mental health, and  
3 education information concerning the child.

4           (3) In addition to any other requirement, if the child  
5 is in an out-of-home placement, the case plan must include:

6           (a) A description of the type of placement in which  
7 the child is to be living.

8           (b) A description of the parent's visitation rights  
9 and obligations and the plan for sibling visitation if the  
10 child has siblings and is separated from them.

11           (c) When appropriate, for a child who is 13 years of  
12 age or older, a written description of the programs and  
13 services that will help the child prepare for the transition  
14 from foster care to independent living.

15           (d) A discussion of the safety and the appropriateness  
16 of the child's placement, which placement is intended to be  
17 safe, and the least restrictive and the most family-like  
18 setting available consistent with the best interest and  
19 special needs of the child and in as close proximity as  
20 possible to the child's home.

21           Section 17. Section 39.6013, Florida Statutes, is  
22 created to read:

23           39.6013 Case plan amendments.--

24           (1) After the case plan has been developed under s.  
25 39.6011, the tasks and services agreed upon in the plan may  
26 not be changed or altered in any way except as provided in  
27 this section.

28           (2) The case plan may be amended at any time in order  
29 to change the goal of the plan, employ the use of concurrent  
30 planning, add or remove tasks the parent must complete to  
31 substantially comply with the plan, provide appropriate

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1 services for the child, and update the child's health, mental  
2 health, and education records required by s. 39.6012.

3 (3) The case plan may be amended upon approval of the  
4 court if all parties are in agreement regarding the amendments  
5 to the plan and the amended plan is signed by all parties and  
6 submitted to the court with a memorandum of explanation.

7 (4) The case plan may be amended by the court or upon  
8 motion of any party at any hearing to change the goal of the  
9 plan, employ the use of concurrent planning, or add or remove  
10 tasks the parent must complete in order to substantially  
11 comply with the plan if there is a preponderance of evidence  
12 demonstrating the need for the amendment. The need to amend  
13 the case plan may be based on information discovered or  
14 circumstances arising after the approval of the case plan for:

15 (a) A previously unaddressed condition that, without  
16 services, may prevent the child from safely returning to the  
17 home or may prevent the child from safely remaining in the  
18 home;

19 (b) The child's need for permanency, taking into  
20 consideration the child's age and developmental needs;

21 (c) The failure of a party to substantially comply  
22 with a task in the original case plan, including the  
23 ineffectiveness of a previously offered service; or

24 (d) An error or oversight in the case plan.

25 (5) The case plan may be amended by the court or upon  
26 motion of any party at any hearing to provide appropriate  
27 services to the child if there is competent evidence  
28 demonstrating the need for the amendment. The reason for  
29 amending the case plan may be based on information discovered  
30 or circumstances arising after the approval of the case plan  
31 regarding the provision of safe and proper care to the child.

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1       (6) The case plan is deemed amended as to the child's  
 2 health, mental health, and education records required by s.  
 3 39.6012 when the child's updated health and education records  
 4 are filed by the department under s. 39.701(7)(a).

5       (7) Amendments must include service interventions that  
 6 are the least intrusive into the life of the parent and child,  
 7 must focus on clearly defined objectives, and must provide the  
 8 most efficient path to quick reunification or permanent  
 9 placement given the circumstances of the case and the child's  
 10 need for safe and proper care. A copy of the amended plan must  
 11 be immediately given to the persons identified in s.  
 12 39.601(1).

13       Section 18. Subsections (1) and (2) of section 39.603,  
 14 Florida Statutes, are amended to read:

15       39.603 Court approvals of case planning.--

16       (1) All case plans and amendments to case plans must  
 17 be approved by the court. At the hearing on the case plan,  
 18 which shall occur in conjunction with the disposition hearing  
 19 unless otherwise directed by the court, the court shall  
 20 determine:

21       (a) All parties who were notified and are in  
 22 attendance at the hearing, either in person or through a legal  
 23 representative. The court may appoint a guardian ad litem  
 24 under Rule 1.210, Florida Rules of Civil Procedure, to  
 25 represent the interests of any parent, if the location of the  
 26 parent is known but the parent is not present at the hearing  
 27 and the development of the plan is based upon the physical,  
 28 emotional, or mental condition or physical location of the  
 29 parent.

30       (b) If the plan is consistent with previous orders of  
 31 the court placing the child in care.



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1 (c) If the plan is consistent with the requirements  
2 for the content of a plan as specified in this chapter.

3 (d) In involuntary placements, whether each parent was  
4 notified of the right to counsel at each stage of the  
5 dependency proceedings, in accordance with the Florida Rules  
6 of Juvenile Procedure.

7 (e) Whether each parent whose location was known was  
8 notified of the right to participate in the preparation of a  
9 case plan and of the right to receive assistance from any  
10 other person in the preparation of the case plan.

11 (f) Whether the plan is meaningful and designed to  
12 address facts and circumstances upon which the court based the  
13 finding of dependency in involuntary placements or the plan is  
14 meaningful and designed to address facts and circumstances  
15 upon which the child was placed in out-of-home care  
16 voluntarily.

17 (2) When the court determines that any of the elements  
18 considered at the hearing related to the plan have not been  
19 met, the court shall require the parties to make necessary  
20 amendments to the plan under s. 39.6013. The amended plan must  
21 be submitted to the court for review and approval within 30  
22 days after the hearing. A copy of the amended plan must also  
23 be provided to each party, if the location of the party is  
24 known, at least 3 business days ~~72 hours before~~ ~~prior to~~  
25 filing with the court.

26 Section 19. Section 39.621, Florida Statutes, is  
27 amended to read:

28 39.621 Permanency determination by the court.--

29 (1) Time is of the essence for permanency of children  
30 in the dependency system. A permanency hearing must be held no  
31 later than 12 months after the date the child was removed from

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1 the home or no later than 30 days after a court determines  
2 that reasonable efforts to return a child to either parent are  
3 not required, whichever occurs first. The purpose of the  
4 permanency hearing is to determine when the child will achieve  
5 the permanency goal or whether modifying the current goal is  
6 in the best interest of the child. A permanency hearing must  
7 be held at least every 12 months for any child who continues  
8 to receive supervision from the department or awaits adoption.  
9 ~~When the court has determined that reunification with either~~  
10 ~~parent is not appropriate, then the court must make a~~  
11 ~~permanency determination for the child.~~

12 (2) The permanency goals available under this chapter,  
13 listed in order of preference, are:

14 (a) Reunification;

15 (b) Adoption, if a petition for termination of  
16 parental rights has been or will be filed;

17 (c) Permanent guardianship of a dependent child under  
18 s. 39.6221;

19 (d) Permanent placement with a fit and willing  
20 relative under s. 39.6231; or

21 (e) Placement in another planned permanent living  
22 arrangement under s. 39.6241.

23 (3)(a) At least 3 business days before the permanency  
24 hearing, the department shall file its judicial review social  
25 services report with the court and serve copies of the report  
26 on all parties. The report must include a recommended  
27 permanency goal for the child, suggest changes to the case  
28 plan, if needed, and describe why the recommended goal is in  
29 the best interest of the child.

30 (b) Before the permanency hearing, the department  
31 shall advise the child and the individuals with whom the child

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1 will be placed about the availability of more permanent and  
2 legally secure placements and what type of financial  
3 assistance is associated with each placement.

4 (4) At the permanency hearing, the court shall  
5 determine:

6 (a) Whether the current permanency goal for the child  
7 is appropriate or should be changed;

8 (b) When the child will achieve one of the permanency  
9 goals; and

10 (c) Whether the department has made reasonable efforts  
11 to finalize the permanency plan currently in effect.

12 (5) The best interest of the child is the primary  
13 consideration in determining the permanency goal for the  
14 child. The court must also consider:

15 (a) The reasonable preference of the child if the  
16 court has found the child to be of sufficient intelligence,  
17 understanding, and experience to express a preference; and

18 (b) Any recommendation of the guardian ad litem.

19 (6)(2) If a child will not be reunited with a parent,  
20 adoption, ~~under~~ pursuant to chapter 63, is the primary  
21 permanency option ~~available to the court.~~ If the child is  
22 placed with a relative or with a relative of the child's  
23 half-brother or half-sister as a permanency option, the court  
24 may ~~shall~~ recognize the permanency of this placement without  
25 requiring the relative to adopt the child.

26  
27 If the court approves a permanency goal of permanent  
28 guardianship of a dependent child, placement with a fit and  
29 willing relative, or another planned permanent living  
30 arrangement, the court shall make findings as to why this  
31 permanent placement is established without adoption of the

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1 child to follow. If the court approves a permanency goal of  
2 another planned permanent living arrangement, the court shall  
3 document the compelling reasons for choosing this goal.

4 (7) The findings of the court regarding reasonable  
5 efforts to finalize the permanency plan must be explicitly  
6 documented, made on a case-by-case basis, and stated in the  
7 court order.

8 (8) The case plan must list the tasks necessary to  
9 finalize the permanency placement and shall be updated at the  
10 permanency hearing if necessary. If a concurrent case plan is  
11 in place, the court may choose between the permanency goal  
12 options presented and shall approve the goal that is in the  
13 child's best interest.

14 (9) The permanency placement is intended to continue  
15 until the child reaches the age of majority and may not be  
16 disturbed absent a finding by the court that the circumstances  
17 of the permanency placement are no longer in the best interest  
18 of the child. If a parent who has not had his or her parental  
19 rights terminated makes a motion for reunification or  
20 increased contact with the child, the court shall hold a  
21 hearing to determine whether the dependency case should be  
22 reopened and whether there should be a modification of the  
23 order. At the hearing, the parent must demonstrate that the  
24 safety, well-being, and physical, mental, and emotional health  
25 of the child is not endangered by the modification.

26 (10) The court shall base its decision concerning any  
27 motion by a parent for reunification or increased contact with  
28 a child on the effect of the decision on the safety,  
29 well-being, and physical and emotional health of the child.  
30 Factors that must be considered and addressed in the findings  
31 of fact of the order on the motion must include:

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1       (a) The compliance or noncompliance of the parent with  
2 the case plan;

3       (b) The circumstances which caused the child's  
4 dependency and whether those circumstances have been resolved;

5       (c) The stability and longevity of the child's  
6 placement;

7       (d) The preferences of the child, if the child is of  
8 sufficient age and understanding to express a preference;

9       (e) The recommendation of the current custodian; and

10       (f) The recommendation of the guardian ad litem, if  
11 one has been appointed.

12       (11) Placement of a child in a permanent guardianship,  
13 with a fit and willing relative, or in another planned  
14 permanent living arrangement does not terminate the  
15 parent-child relationship, including, but not limited to:

16       (a) The right of the child to inherit from his or her  
17 parents;

18       (b) The parents' right to consent to the child's  
19 adoption; or

20       (c) The parents' responsibility to provide financial,  
21 medical, and other support for the child as ordered by the  
22 court.

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

27       ~~(a) Guardianship pursuant to chapter 744.~~

28       ~~(b) Long term custody.~~

29       ~~(c) Long term licensed custody.~~

30       ~~(d) Independent living.~~

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

6 Section 20. Section 39.6221, Florida Statutes, is  
 7 created to read:

8 39.6221 Permanent guardianship of a dependent child.--

9 (1) If a court determines that reunification or  
 10 adoption is not in the best interest of the child, the court  
 11 may place the child in a permanent guardianship with a  
 12 relative or other adult approved by the court if all of the  
 13 following conditions are met:

14 (a) The child has been in the placement for not less  
 15 than the preceding 6 months.

16 (b) The permanent guardian is suitable and able to  
 17 provide a safe and permanent home for the child.

18 (c) The court determines that the child and the  
 19 relative or other adult are not likely to need supervision or  
 20 services of the department to ensure the stability of the  
 21 permanent guardianship.

22 (d) The permanent guardian has made a commitment to  
 23 provide for the child until the child reaches the age of  
 24 majority and to prepare the child for adulthood and  
 25 independence.

26 (e) The permanent guardian agrees to give notice of  
 27 any change in his or her residential address or the residence  
 28 of the child by filing a written document in the dependency  
 29 file of the child with the clerk of the court.

30 (2) In its written order establishing a permanent  
 31 guardianship, the court shall:

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1       (a) List the circumstances or reasons why the child's  
2 parents are not fit to care for the child and why  
3 reunification is not possible by referring to specific  
4 findings of fact made in its order adjudicating the child  
5 dependent or by making separate findings of fact;

6       (b) State the reasons why a permanent guardianship is  
7 being established instead of adoption;

8       (c) Specify the frequency and nature of visitation or  
9 contact between the child and his or her parents;

10       (d) Specify the frequency and nature of visitation or  
11 contact between the child and his or her grandparents, under  
12 s. 39.509;

13       (e) Specify the frequency and nature of visitation or  
14 contact between the child and his or her siblings; and

15       (f) Require that the permanent guardian not return the  
16 child to the physical care and custody of the person from whom  
17 the child was removed without the approval of the court.

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