

Bill No. SB 172

Barcode 582134

CHAMBER ACTION

Senate

House

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Comm: WD  
02/15/2006 09:32 AM

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The Committee on Children and Families (Lynn) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Subsection (5) of section 39.812, Florida Statutes, is amended to read:

39.812 Postdisposition relief; petition for adoption.--

(5)(a) The petition for adoption must be filed in the division of the circuit court which entered the judgment terminating parental rights, unless a motion for change of venue is granted pursuant to s. 47.122. A copy of the consent executed by the department as required under s. 63.062(7) must be attached to the petition, unless the court determines that such consent is being unreasonably withheld and provided that the petitioner has filed with the court a favorable preliminary adoptive home study performed by a licensed child-placing agency, a child-caring agency registered under

Bill No. SB 172

Barcode 582134

1 s. 409.176, or a licensed professional or agency described in  
 2 s. 61.20(2). The petition must be accompanied by a form  
 3 provided by the department which details the social and  
 4 medical history of the child and each parent and includes the  
 5 social security number and date of birth for each parent, if  
 6 such information is available or readily obtainable. The  
 7 person seeking to adopt the child may not file a petition for  
 8 adoption until the judgment terminating parental rights  
 9 becomes final. An adoption proceeding under this subsection is  
 10 governed by chapter 63, as limited under s. 63.037.

11 (b) Any person who is otherwise barred from adopting a  
 12 child under s. 63.042, may adopt a child if the court finds,  
 13 by clear and convincing evidence, that:

14 1. The child has been in foster care for 2 years or  
 15 more;

16 2. The child resides with the person proposing to  
 17 adopt the child;

18 3. The child recognizes the person as the child's  
 19 parent;

20 4. Granting the child permanency in the home of the  
 21 person proposing to adopt the child is more important to the  
 22 child's developmental and psychological needs than maintaining  
 23 the child in a temporary placement or foster care; and

24 5. The best interests of the child will be served by  
 25 approving the adoption. In determining the best interests of  
 26 the child, the court shall consider any recommendation made by  
 27 the district administrator of the Department of Children and  
 28 Family Services and the director of the contracted  
 29 community-based care lead agency in the service area in which  
 30 the child resides.

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1 This paragraph shall stand repealed July 1, 2011, unless  
 2 reviewed and saved from repeal through reenactment by the  
 3 Legislature.

4 Section 2. This act shall take effect July 1, 2006.

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7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 Delete everything before the enacting clause

10

11 and insert:

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A bill to be entitled

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An act relating to adoption; amending s.

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39.812, F.S.; providing that a person who is

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otherwise not eligible to adopt a child under

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ch. 63, F.S., is eligible to be an adoptive

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parent if the person meets certain specified

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criteria; requiring the court to find that the

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person satisfies the eligibility criteria by

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clear and convincing evidence; providing for

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future legislative review and repeal; providing

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an effective date.

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