

1                   A bill to be entitled  
2           An act relating to child protective services; amending s.  
3           39.01, F.S.; revising definitions relating to child  
4           protective services; amending s. 39.0121, F.S.; providing  
5           rulemaking authority to the Department of Children and  
6           Family Services to provide certain information in a  
7           child's case plan to physical custodians and family  
8           services counselors under certain circumstances; amending  
9           s. 39.013, F.S.; removing provisions relating to  
10          continuances; creating s. 39.0136, F.S.; providing for  
11          time limitations and circumstances under which a  
12          continuance may be granted in child protective cases;  
13          providing exceptions; creating s. 39.0137, F.S.; providing  
14          that state laws do not supersede certain federal laws;  
15          requiring the Department of Children and Family Services  
16          to adopt rules; creating s. 39.0138, F.S.; authorizing the  
17          department to conduct criminal records checks of persons  
18          being considered as prospective foster parents; providing  
19          that a court may review the granting or denial of an  
20          exemption from disqualification to care for a dependent  
21          child; providing that a person seeking placement of a  
22          child who is disqualified bears the burden of providing  
23          evidence of rehabilitation; amending s. 39.201, F.S.;  
24          requiring that any person who knows or suspects that a  
25          child is in need of supervision and care and has no  
26          parent, legal custodian, or responsible adult relative  
27          immediately known and available to provide supervision and  
28          care must report this information to the central abuse

29 | hotline of the Department of Children and Family Services;  
30 | amending s. 39.301, F.S.; redefining the term "criminal  
31 | conduct" to include a child who is known or suspected to  
32 | be a victim of human trafficking; requiring each child  
33 | protective investigator to inform the person who is the  
34 | subject of a child protective investigation that he or she  
35 | has a duty to report any change in the residence or  
36 | location of the child to the investigator and that the  
37 | duty to report continues until the investigation is  
38 | closed; providing that the department may rely upon a  
39 | previous report to indicate that child abuse has occurred;  
40 | providing that if the child has moved to a different  
41 | residence or location, a report may be filed with a law  
42 | enforcement agency under certain circumstances; amending  
43 | 39.303, F.S.; conforming provisions to changes made by the  
44 | act; amending s. 39.402, F.S.; requiring that a shelter  
45 | hearing order contain specified information relating to  
46 | the availability of services to prevent removal from the  
47 | home; requiring notification of certain parties regarding  
48 | case plan or family team conferences or mediation;  
49 | providing a timeframe for the conference or mediation;  
50 | requiring a parent to provide certain information  
51 | regarding relatives with whom a child may be placed under  
52 | certain circumstances; providing circumstances under which  
53 | parental rights may be terminated and the child's out-of-  
54 | home placement may become permanent; amending s. 39.507,  
55 | F.S.; requiring the court to inquire of the parents  
56 | whether the parents have relatives who might be considered

57 | as a placement for the child; directing the court to  
58 | advise the parents that, if the child is not returned to  
59 | their custody within 12 months, their parental rights may  
60 | be terminated and the child's out-of-home placement may  
61 | become permanent; amending s. 39.5085, F.S.; conforming  
62 | provisions to changes made by the act; correcting cross-  
63 | references; amending s. 39.521, F.S.; revising the content  
64 | of an order of disposition issued by the court; amending  
65 | s. 39.522, F.S.; requiring the court to consider the  
66 | continuity of the child's placement in the same out-of-  
67 | home residence as a factor when determining the best  
68 | interest of the child in a postdisposition proceeding to  
69 | modify custody; creating s. 39.6011, F.S.; providing  
70 | procedures for drafting and implementing a case plan;  
71 | requiring certain face-to-face meetings; specifying  
72 | contents of a case plan; requiring the department to  
73 | prepare a case plan for each child receiving services from  
74 | the department; requiring all parties, except the child  
75 | under certain circumstances, to sign the case plan;  
76 | requiring the case plan to provide certain documentation  
77 | when the permanency goal for the child is adoption;  
78 | requiring the department to follow certain procedures;  
79 | requiring the case plan to be filed with the court and  
80 | copies to be provided to all parties; requiring certain  
81 | information to follow a child until permanency is  
82 | achieved; creating s. 39.6012, F.S.; providing for case  
83 | plan tasks and services; requiring a parent to complete  
84 | certain tasks in order to receive certain services;

85 providing for the content of case plans; creating s.  
86 39.6013, F.S.; providing for amendments to a case plan;  
87 describing the circumstances under which a case plan may  
88 be modified; requiring certain information to be included  
89 in amendments to a case plan; requiring copies to be  
90 distributed to specified parties; amending s. 39.603,  
91 F.S.; requiring that case plans and amendments be approved  
92 by the court and that copies of the amended plan be  
93 provided to certain parties; amending s. 39.621, F.S.;  
94 providing a legislative finding; requiring a permanency  
95 hearing to be held within a specified timeframe;  
96 specifying permanency goals; providing prehearing  
97 procedures; directing the court to make certain findings  
98 at the permanency hearing; requiring certain factors to be  
99 considered by the court in determining the permanency goal  
100 for the child; permitting parents to make a motion for  
101 reunification or increased contact under certain  
102 circumstances; creating s. 39.6221, F.S.; providing for  
103 the permanent guardianship for a dependent child;  
104 authorizing the court to consider a permanent guardian as  
105 a long-term option for a dependent child; requiring a  
106 written order; providing for the contents of the permanent  
107 guardianship order; exempting the permanent guardianship  
108 of a child from the requirements of ch. 744, F.S., under  
109 certain circumstances; providing for the court to retain  
110 jurisdiction; providing that placement in permanent  
111 guardianship does not terminate the relationship between  
112 the parent and the child; creating s. 39.6231, F.S.;

113 providing circumstances for placement of a child with a  
114 fit and willing relative; requiring the court to specify  
115 the reasons to place a child with a relative; requiring  
116 the court to establish the relative's authority to care  
117 for the child; providing for the department to supervise  
118 the placement for a specified time period; requiring the  
119 court to continue to conduct permanency hearings; creating  
120 s. 39.6241, F.S.; authorizing the court to place a child  
121 in another planned permanent living arrangement under  
122 certain circumstances; requiring the department and  
123 guardian ad litem to provide the court with certain  
124 information regarding the needs of the child; amending s.  
125 39.701, F.S.; requiring that a child's current health,  
126 mental health, and education records be included in the  
127 documentation for the judicial review report; authorizing  
128 the court and citizen review panel to make certain  
129 determinations; providing for amendments to a case plan;  
130 removing a provision relating to the extension of a time  
131 limitation or the modification of terms of a case plan;  
132 requiring the court to conduct a judicial review 6 months  
133 after the child is placed in shelter care; amending s.  
134 39.703, F.S.; providing when the department may file a  
135 petition for termination of parental rights; providing  
136 circumstances under which the department may choose not to  
137 file a petition; providing for court review of a  
138 determination by the department not to file a petition;  
139 amending s. 39.806, F.S.; authorizing a material breach of  
140 the case plan as a ground to terminate parental rights;

141 requiring that the department show, and the court find,  
 142 the material breach by clear and convincing evidence;  
 143 amending s. 39.810, F.S.; providing certain factors for  
 144 the court to consider for the best interest of the child;  
 145 amending ss. 39.811 and 409.165, F.S.; conforming  
 146 provisions to changes made by the act; amending ss.  
 147 39.0015, 39.205, 39.302, 39.828, 63.092, and 419.001,  
 148 F.S.; correcting cross-references; reenacting s.  
 149 39.802(5), F.S., relating to the filing of a petition to  
 150 terminate parental rights, to incorporate the amendments  
 151 made to s. 39.806, F.S., in a reference thereto; repealing  
 152 ss. 39.601, 39.622, 39.623, 39.624, and 435.045, F.S.,  
 153 relating to case plan requirements, long-term custody of a  
 154 dependent child, long-term licensed custody of a dependent  
 155 child, independent living, and background screening of  
 156 certain persons before a dependent child is placed in  
 157 their home; providing an effective date.

158

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

160

161 Section 1. Section 39.01, Florida Statutes, is amended to  
 162 read:

163 39.01 Definitions.--When used in this chapter, unless the  
 164 context otherwise requires:

165 (1) "Abandoned" means a situation in which the parent or  
 166 legal custodian of a child or, in the absence of a parent or  
 167 legal custodian, the caregiver responsible for the child's  
 168 welfare, while being able, makes no provision for the child's

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169 support and makes no effort to communicate with the child, which  
170 situation is sufficient to evince a willful rejection of  
171 parental obligations. If the efforts of the ~~such~~ parent or legal  
172 custodian, or caregiver primarily responsible for the child's  
173 welfare, to support and communicate with the child are, in the  
174 opinion of the court, only marginal efforts that do not evince a  
175 settled purpose to assume all parental duties, the court may  
176 declare the child to be abandoned. The term "abandoned" does not  
177 include an abandoned newborn infant as described in s. 383.50, a  
178 "child in need of services" as defined in chapter 984, or a  
179 "family in need of services" as defined in chapter 984. The  
180 incarceration of a parent, legal custodian, or caregiver  
181 responsible for a child's welfare may support a finding of  
182 abandonment.

183 (2) "Abuse" means any willful act or threatened act that  
184 results in any physical, mental, or sexual injury or harm that  
185 causes or is likely to cause the child's physical, mental, or  
186 emotional health to be significantly impaired. Abuse of a child  
187 includes acts or omissions. Corporal discipline of a child by a  
188 parent or legal custodian for disciplinary purposes does not in  
189 itself constitute abuse when it does not result in harm to the  
190 child.

191 (3) "Addictions receiving facility" means a substance  
192 abuse service provider as defined in chapter 397.

193 (4) "Adjudicatory hearing" means a hearing for the court  
194 to determine whether or not the facts support the allegations  
195 stated in the petition in dependency cases or in termination of  
196 parental rights cases.

197 (5) "Adult" means any natural person other than a child.

198 (6) "Adoption" means the act of creating the legal  
 199 relationship between parent and child where it did not exist,  
 200 thereby declaring the child to be legally the child of the  
 201 adoptive parents and their heir at law, and entitled to all the  
 202 rights and privileges and subject to all the obligations of a  
 203 child born to the ~~such~~ adoptive parents in lawful wedlock.

204 (7) "Alleged juvenile sexual offender" means:

205 (a) A child 12 years of age or younger who is alleged to  
 206 have committed a violation of chapter 794, chapter 796, chapter  
 207 800, s. 827.071, or s. 847.0133; or

208 (b) A child who is alleged to have committed any violation  
 209 of law or delinquent act involving juvenile sexual abuse.

210 "Juvenile sexual abuse" means any sexual behavior which occurs  
 211 without consent, without equality, or as a result of coercion.  
 212 For purposes of this paragraph, the following definitions apply:

213 1. "Coercion" means the exploitation of authority or the  
 214 use of bribes, threats of force, or intimidation to gain  
 215 cooperation or compliance.

216 2. "Equality" means two participants operating with the  
 217 same level of power in a relationship, neither being controlled  
 218 nor coerced by the other.

219 3. "Consent" means an agreement, including all of the  
 220 following:

221 a. Understanding what is proposed based on age, maturity,  
 222 developmental level, functioning, and experience.

223 b. Knowledge of societal standards for what is being  
 224 proposed.



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225 c. Awareness of potential consequences and alternatives.

226 d. Assumption that agreement or disagreement will be  
227 accepted equally.

228 e. Voluntary decision.

229 f. Mental competence.

230

231 Juvenile sexual offender behavior ranges from noncontact sexual  
232 behavior such as making obscene phone calls, exhibitionism,  
233 voyeurism, and the showing or taking of lewd photographs to  
234 varying degrees of direct sexual contact, such as frottage,  
235 fondling, digital penetration, rape, fellatio, sodomy, and  
236 various other sexually aggressive acts.

237 (8) "Arbitration" means a process whereby a neutral third  
238 person or panel, called an arbitrator or an arbitration panel,  
239 considers the facts and arguments presented by the parties and  
240 renders a decision which may be binding or nonbinding.

241 (9) "Authorized agent" or "designee" of the department  
242 means an employee, volunteer, or other person or agency  
243 determined by the state to be eligible for state-funded risk  
244 management coverage, which ~~that~~ is assigned or designated by the  
245 department to perform duties or exercise powers under ~~pursuant~~  
246 ~~to~~ this chapter.

247 (10) "Caregiver" means the parent, legal custodian,  
248 permanent guardian, adult household member, or other person  
249 responsible for a child's welfare as defined in subsection (46)  
250 ~~(47)~~.

251 (11) "Case plan" ~~or "plan"~~ means a document, as described  
252 in s. 39.6011 ~~s. 39.601~~, prepared by the department with input

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253 from all parties. The case plan follows the child from the  
254 provision of voluntary services through any dependency, foster  
255 care, or termination of parental rights proceeding or related  
256 activity or process.

257 (12) "Child" or "youth" means any unmarried person under  
258 the age of 18 years who has not been emancipated by order of the  
259 court.

260 (13) "Child protection team" means a team of professionals  
261 established by the Department of Health to receive referrals  
262 from the protective investigators and protective supervision  
263 staff of the department and to provide specialized and  
264 supportive services to the program in processing child abuse,  
265 abandonment, or neglect cases. A child protection team shall  
266 provide consultation to other programs of the department and  
267 other persons regarding child abuse, abandonment, or neglect  
268 cases.

269 (14) "Child who is found to be dependent" means a child  
270 who, pursuant to this chapter, is found by the court:

271 (a) To have been abandoned, abused, or neglected by the  
272 child's parent or parents or legal custodians;

273 (b) To have been surrendered to the department, the former  
274 Department of Health and Rehabilitative Services, or a licensed  
275 child-placing agency for purpose of adoption;

276 (c) To have been voluntarily placed with a licensed child-  
277 caring agency, a licensed child-placing agency, an adult  
278 relative, the department, or the former Department of Health and  
279 Rehabilitative Services, after which placement, under the  
280 requirements of this chapter, a case plan has expired and the

281 parent or parents or legal custodians have failed to  
 282 substantially comply with the requirements of the plan;

283 (d) To have been voluntarily placed with a licensed child-  
 284 placing agency for the purposes of subsequent adoption, and a  
 285 parent or parents have signed a consent pursuant to the Florida  
 286 Rules of Juvenile Procedure;

287 (e) To have no parent or legal custodians capable of  
 288 providing supervision and care; or

289 (f) To be at substantial risk of imminent abuse,  
 290 abandonment, or neglect by the parent or parents or legal  
 291 custodians.

292 (15) "Child support" means a court-ordered obligation,  
 293 enforced under chapter 61 and ss. 409.2551-409.2597, for  
 294 monetary support for the care, maintenance, training, and  
 295 education of a child.

296 (16) "Circuit" means any of the 20 judicial circuits as  
 297 set forth in s. 26.021.

298 (17) "Comprehensive assessment" or "assessment" means the  
 299 gathering of information for the evaluation of a child's and  
 300 caregiver's physical, psychiatric, psychological or mental  
 301 health, educational, vocational, and social condition and family  
 302 environment as they relate to the child's and caregiver's need  
 303 for rehabilitative and treatment services, including substance  
 304 abuse treatment services, mental health services, developmental  
 305 services, literacy services, medical services, family services,  
 306 and other specialized services, as appropriate.

307 (18) "Concurrent planning" means establishing a permanency  
 308 goal in a case plan that uses reasonable efforts to reunify the

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309 child with the parent, while at the same time establishing  
310 another goal that must be one of the following options:

311 (a) Adoption when a petition for termination of parental  
312 rights has been filed or will be filed;

313 (b) Permanent guardianship of a dependent child under s.  
314 39.6221;

315 (c) Permanent placement with a fit and willing relative  
316 under s. 39.6231; or

317 (d) Placement in another planned permanent living  
318 arrangement under s. 39.6241.

319 (19)~~(18)~~ "Court," unless otherwise expressly stated, means  
320 the circuit court assigned to exercise jurisdiction under this  
321 chapter.

322 (20)~~(19)~~ "Department" means the Department of Children and  
323 Family Services.

324 (21)~~(20)~~ "Diligent efforts by a parent" means a course of  
325 conduct which results in a reduction in risk to the child in the  
326 child's home that would allow the child to be safely placed  
327 permanently back in the home as set forth in the case plan.

328 (22)~~(21)~~ "Diligent efforts of social service agency" means  
329 reasonable efforts to provide social services or reunification  
330 services made by any social service agency that is a party to a  
331 case plan.

332 (23)~~(22)~~ "Diligent search" means the efforts of a social  
333 service agency to locate a parent or prospective parent whose  
334 identity or location is unknown, initiated as soon as the social  
335 service agency is made aware of the existence of such parent,  
336 with the search progress reported at each court hearing until

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337 the parent is either identified and located or the court excuses  
338 further search.

339 (24)~~(23)~~ "Disposition hearing" means a hearing in which  
340 the court determines the most appropriate protections, services,  
341 and placement for the child in dependency cases.

342 (25)~~(24)~~ "District" means any one of the 15 service  
343 districts of the department established pursuant to s. 20.19.

344 (26)~~(25)~~ "District administrator" means the chief  
345 operating officer of each service district of the department as  
346 defined in s. 20.19(5) and, where appropriate, includes any  
347 district administrator whose service district falls within the  
348 boundaries of a judicial circuit.

349 (27)~~(26)~~ "Expedited termination of parental rights" means  
350 proceedings wherein a case plan with the goal of reunification  
351 is not being offered.

352 (28)~~(27)~~ "False report" means a report of abuse, neglect,  
353 or abandonment of a child to the central abuse hotline, which  
354 report is maliciously made for the purpose of:

- 355 (a) Harassing, embarrassing, or harming another person;  
356 (b) Personal financial gain for the reporting person;  
357 (c) Acquiring custody of a child; or  
358 (d) Personal benefit for the reporting person in any other  
359 private dispute involving a child.

360  
361 The term "false report" does not include a report of abuse,  
362 neglect, or abandonment of a child made in good faith to the  
363 central abuse hotline.

364 (29)~~(28)~~ "Family" means a collective body of persons,

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365 | consisting of a child and a parent, legal custodian, or adult  
 366 | relative, in which:

367 |       (a) The persons reside in the same house or living unit;  
 368 | or

369 |       (b) The parent, legal custodian, or adult relative has a  
 370 | legal responsibility by blood, marriage, or court order to  
 371 | support or care for the child.

372 |       (30) "Family team conference" means a process for family-  
 373 | focused intervention facilitated by professional staff which is  
 374 | designed to develop a plan for the care, safety, and well-being  
 375 | of a child and the child's family.

376 |       ~~(31)~~~~(29)~~ "Foster care" means care provided a child in a  
 377 | foster family or boarding home, group home, agency boarding  
 378 | home, child care institution, or any combination thereof.

379 |       ~~(32)~~~~(30)~~ "Harm" to a child's health or welfare can occur  
 380 | when any person:

381 |       (a) Inflicts or allows to be inflicted upon the child  
 382 | physical, mental, or emotional injury. In determining whether  
 383 | harm has occurred, the following factors must be considered in  
 384 | evaluating any physical, mental, or emotional injury to a child:  
 385 | the age of the child; any prior history of injuries to the  
 386 | child; the location of the injury on the body of the child; the  
 387 | multiplicity of the injury; and the type of trauma inflicted.  
 388 | Such injury includes, but is not limited to:

389 |       1. Willful acts that produce the following specific  
 390 | injuries:

- 391 |       a. Sprains, dislocations, or cartilage damage.
- 392 |       b. Bone or skull fractures.

- 393 c. Brain or spinal cord damage.
- 394 d. Intracranial hemorrhage or injury to other internal
- 395 organs.
- 396 e. Asphyxiation, suffocation, or drowning.
- 397 f. Injury resulting from the use of a deadly weapon.
- 398 g. Burns or scalding.
- 399 h. Cuts, lacerations, punctures, or bites.
- 400 i. Permanent or temporary disfigurement.
- 401 j. Permanent or temporary loss or impairment of a body
- 402 part or function.

403

404 As used in this subparagraph, the term "willful" refers to the

405 intent to perform an action, not to the intent to achieve a

406 result or to cause an injury.

407 2. Purposely giving a child poison, alcohol, drugs, or

408 other substances that substantially affect the child's behavior,

409 motor coordination, or judgment or that result in sickness or

410 internal injury. For the purposes of this subparagraph, the term

411 "drugs" means prescription drugs not prescribed for the child or

412 not administered as prescribed, and controlled substances as

413 outlined in Schedule I or Schedule II of s. 893.03.

414 3. Leaving a child without adult supervision or

415 arrangement appropriate for the child's age or mental or

416 physical condition, so that the child is unable to care for the

417 child's own needs or another's basic needs or is unable to

418 exercise good judgment in responding to any kind of physical or

419 emotional crisis.

420 4. Inappropriate or excessively harsh disciplinary action

421 that is likely to result in physical injury, mental injury as  
 422 defined in this section, or emotional injury. The significance  
 423 of any injury must be evaluated in light of the following  
 424 factors: the age of the child; any prior history of injuries to  
 425 the child; the location of the injury on the body of the child;  
 426 the multiplicity of the injury; and the type of trauma  
 427 inflicted. Corporal discipline may be considered excessive or  
 428 abusive when it results in any of the following or other similar  
 429 injuries:

- 430 a. Sprains, dislocations, or cartilage damage.
- 431 b. Bone or skull fractures.
- 432 c. Brain or spinal cord damage.
- 433 d. Intracranial hemorrhage or injury to other internal  
 434 organs.
- 435 e. Asphyxiation, suffocation, or drowning.
- 436 f. Injury resulting from the use of a deadly weapon.
- 437 g. Burns or scalding.
- 438 h. Cuts, lacerations, punctures, or bites.
- 439 i. Permanent or temporary disfigurement.
- 440 j. Permanent or temporary loss or impairment of a body  
 441 part or function.
- 442 k. Significant bruises or welts.

443 (b) Commits, or allows to be committed, sexual battery, as  
 444 defined in chapter 794, or lewd or lascivious acts, as defined  
 445 in chapter 800, against the child.

446 (c) Allows, encourages, or forces the sexual exploitation  
 447 of a child, which includes allowing, encouraging, or forcing a  
 448 child to:



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- 449 1. Solicit for or engage in prostitution; or  
450 2. Engage in a sexual performance, as defined by chapter  
451 827.

452 (d) Exploits a child, or allows a child to be exploited,  
453 as provided in s. 450.151.

454 (e) Abandons the child. Within the context of the  
455 definition of "harm," the term "abandons the child" means that  
456 the parent or legal custodian of a child or, in the absence of a  
457 parent or legal custodian, the person responsible for the  
458 child's welfare, while being able, makes no provision for the  
459 child's support and makes no effort to communicate with the  
460 child, which situation is sufficient to evince a willful  
461 rejection of parental obligation. If the efforts of the ~~such a~~  
462 parent or legal custodian or person primarily responsible for  
463 the child's welfare to support and communicate with the child  
464 are only marginal efforts that do not evince a settled purpose  
465 to assume all parental duties, the child may be determined to  
466 have been abandoned. The term "abandoned" does not include an  
467 abandoned newborn infant as described in s. 383.50.

468 (f) Neglects the child. Within the context of the  
469 definition of "harm," the term "neglects the child" means that  
470 the parent or other person responsible for the child's welfare  
471 fails to supply the child with adequate food, clothing, shelter,  
472 or health care, although financially able to do so or although  
473 offered financial or other means to do so. However, a parent or  
474 legal custodian who, by reason of the legitimate practice of  
475 religious beliefs, does not provide specified medical treatment  
476 for a child may not be considered abusive or neglectful for that

477 | reason alone, but such an exception does not:

478 |       1. Eliminate the requirement that such a case be reported  
479 | to the department;

480 |       2. Prevent the department from investigating such a case;  
481 | or

482 |       3. Preclude a court from ordering, when the health of the  
483 | child requires it, the provision of medical services by a  
484 | physician, as defined in this section, or treatment by a duly  
485 | accredited practitioner who relies solely on spiritual means for  
486 | healing in accordance with the tenets and practices of a well-  
487 | recognized church or religious organization.

488 |       (g) Exposes a child to a controlled substance or alcohol.  
489 | Exposure to a controlled substance or alcohol is established by:

490 |       1. Use by the mother of a controlled substance or alcohol  
491 | during pregnancy when the child, at birth, is demonstrably  
492 | adversely affected by such usage; or

493 |       2. Continued chronic and severe use of a controlled  
494 | substance or alcohol by a parent when the child is demonstrably  
495 | adversely affected by such usage.

496 |  
497 | As used in this paragraph, the term "controlled substance" means  
498 | prescription drugs not prescribed for the parent or not  
499 | administered as prescribed and controlled substances as outlined  
500 | in Schedule I or Schedule II of s. 893.03.

501 |       (h) Uses mechanical devices, unreasonable restraints, or  
502 | extended periods of isolation to control a child.

503 |       (i) Engages in violent behavior that demonstrates a wanton  
504 | disregard for the presence of a child and could reasonably

505 result in serious injury to the child.

506 (j) Negligently fails to protect a child in his or her  
507 care from inflicted physical, mental, or sexual injury caused by  
508 the acts of another.

509 (k) Has allowed a child's sibling to die as a result of  
510 abuse, abandonment, or neglect.

511 (l) Makes the child unavailable for the purpose of  
512 impeding or avoiding a protective investigation unless the court  
513 determines that the parent, legal custodian, or caregiver was  
514 fleeing from a situation involving domestic violence.

515 (33)~~(31)~~ "Institutional child abuse or neglect" means  
516 situations of known or suspected child abuse or neglect in which  
517 the person allegedly perpetrating the child abuse or neglect is  
518 an employee of a private school, public or private day care  
519 center, residential home, institution, facility, or agency or  
520 any other person at such institution responsible for the child's  
521 care.

522 (34)~~(32)~~ "Judge" means the circuit judge exercising  
523 jurisdiction pursuant to this chapter.

524 (35)~~(33)~~ "Legal custody" means a legal status created by a  
525 court ~~order or letter of guardianship~~ which vests in a custodian  
526 of the person or guardian, whether an agency or an individual,  
527 the right to have physical custody of the child and the right  
528 and duty to protect, nurture, guide ~~train~~, and discipline the  
529 child and to provide him or her with food, shelter, education,  
530 and ordinary medical, dental, psychiatric, and psychological  
531 care. ~~The legal custodian is the person or entity in whom the~~  
532 ~~legal right to custody is vested. For purposes of this chapter~~

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533 ~~only, when the phrase "parent or legal custodian" is used, it~~  
534 ~~refers to rights or responsibilities of the parent and, only if~~  
535 ~~there is no living parent with intact parental rights, to the~~  
536 ~~rights or responsibilities of the legal custodian who has~~  
537 ~~assumed the role of the parent.~~

538 ~~(34) "Legal guardianship" means a judicially created~~  
539 ~~relationship between the child and caregiver which is intended~~  
540 ~~to be permanent and self-sustaining and is provided pursuant to~~  
541 ~~the procedures in chapter 744.~~

542 (36)~~(35)~~ "Licensed child-caring agency" means a person,  
543 society, association, or agency licensed by the department to  
544 care for, receive, and board children.

545 (37)~~(36)~~ "Licensed child-placing agency" means a person,  
546 society, association, or institution licensed by the department  
547 to care for, receive, or board children and to place children in  
548 a licensed child-caring institution or a foster or adoptive  
549 home.

550 (38)~~(37)~~ "Licensed health care professional" means a  
551 physician licensed under chapter 458, an osteopathic physician  
552 licensed under chapter 459, a nurse licensed under part I of  
553 chapter 464, a physician assistant licensed under chapter 458 or  
554 chapter 459, or a dentist licensed under chapter 466.

555 (39)~~(38)~~ "Likely to injure oneself" means that, as  
556 evidenced by violent or other actively self-destructive  
557 behavior, it is more likely than not that within a 24-hour  
558 period the child will attempt to commit suicide or inflict  
559 serious bodily harm on himself or herself.

560 (40)~~(39)~~ "Likely to injure others" means that it is more

561 likely than not that within a 24-hour period the child will  
 562 inflict serious and unjustified bodily harm on another person.

563 ~~(40) "Long term relative custodian" means an adult~~  
 564 ~~relative who is a party to a long term custodial relationship~~  
 565 ~~created by a court order pursuant to this chapter.~~

566 ~~(41) "Long term custody" or "long term custodial~~  
 567 ~~relationship" means the relationship that a juvenile court order~~  
 568 ~~creates between a child and an adult relative of the child or~~  
 569 ~~other legal custodian approved by the court when the child~~  
 570 ~~cannot be placed in the custody of a parent and adoption is not~~  
 571 ~~deemed to be in the best interest of the child. Long term~~  
 572 ~~custody confers upon the relative or other legal custodian,~~  
 573 ~~other than the department, the right to physical custody of the~~  
 574 ~~child, a right which will not be disturbed by the court except~~  
 575 ~~upon request of the legal custodian or upon a showing that the~~  
 576 ~~best interest of the child necessitates a change of custody for~~  
 577 ~~the child. A relative or other legal custodian who has been~~  
 578 ~~designated as a long term custodian shall have all of the rights~~  
 579 ~~and duties of a parent, including, but not limited to, the right~~  
 580 ~~and duty to protect, train, and discipline the child and to~~  
 581 ~~provide the child with food, shelter, and education, and~~  
 582 ~~ordinary medical, dental, psychiatric, and psychological care,~~  
 583 ~~unless these rights and duties are otherwise enlarged or limited~~  
 584 ~~by the court order establishing the long term custodial~~  
 585 ~~relationship.~~

586 (41) ~~(42)~~ "Mediation" means a process whereby a neutral  
 587 third person called a mediator acts to encourage and facilitate  
 588 the resolution of a dispute between two or more parties. It is

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589 an informal and nonadversarial process with the objective of  
590 helping the disputing parties reach a mutually acceptable and  
591 voluntary agreement. The role of the mediator includes, but is  
592 not limited to, assisting the parties in identifying issues,  
593 fostering joint problem solving, and exploring settlement  
594 alternatives.

595 (42)~~(43)~~ "Mental injury" means an injury to the  
596 intellectual or psychological capacity of a child as evidenced  
597 by a discernible and substantial impairment in the ability to  
598 function within the normal range of performance and behavior.

599 (43)~~(44)~~ "Necessary medical treatment" means care which is  
600 necessary within a reasonable degree of medical certainty to  
601 prevent the deterioration of a child's condition or to alleviate  
602 immediate pain of a child.

603 (44)~~(45)~~ "Neglect" occurs when a child is deprived of, or  
604 is allowed to be deprived of, necessary food, clothing, shelter,  
605 or medical treatment or a child is permitted to live in an  
606 environment when such deprivation or environment causes the  
607 child's physical, mental, or emotional health to be  
608 significantly impaired or to be in danger of being significantly  
609 impaired. The foregoing circumstances shall not be considered  
610 neglect if caused primarily by financial inability unless actual  
611 services for relief have been offered to and rejected by such  
612 person. A parent or legal custodian legitimately practicing  
613 religious beliefs in accordance with a recognized church or  
614 religious organization who thereby does not provide specific  
615 medical treatment for a child may ~~shall~~ not, for that reason  
616 alone, be considered a negligent parent or legal custodian;

617 | however, such an exception does not preclude a court from  
 618 | ordering the following services to be provided, when the health  
 619 | of the child so requires:

620 |       (a) Medical services from a licensed physician, dentist,  
 621 | optometrist, podiatric physician, or other qualified health care  
 622 | provider; or

623 |       (b) Treatment by a duly accredited practitioner who relies  
 624 | solely on spiritual means for healing in accordance with the  
 625 | tenets and practices of a well-recognized church or religious  
 626 | organization.

627 |

628 | Neglect of a child includes acts or omissions.

629 |       (45)~~(46)~~ "Next of kin" means an adult relative of a child  
 630 | who is the child's brother, sister, grandparent, aunt, uncle, or  
 631 | first cousin.

632 |       (46)~~(47)~~ "Other person responsible for a child's welfare"  
 633 | includes the child's legal guardian,~~legal custodian,~~ or foster  
 634 | parent; an employee of a private school, public or private child  
 635 | day care center, residential home, institution, facility, or  
 636 | agency; or any other person legally responsible for the child's  
 637 | welfare in a residential setting; and also includes an adult  
 638 | sitter or relative entrusted with a child's care. For the  
 639 | purpose of departmental investigative jurisdiction, this  
 640 | definition does not include law enforcement officers, or  
 641 | employees of municipal or county detention facilities or the  
 642 | Department of Corrections, while acting in an official capacity.

643 |       (47)~~(48)~~ "Out-of-home" means a placement outside of the  
 644 | home of the parents or a parent.

645        ~~(48)(49)~~ "Parent" means a woman who gives birth to a child  
 646 and a man who was married to the mother at the time the child  
 647 was conceived or born, who has been determined by a court to be  
 648 the father of the child, who has filed an affidavit of paternity  
 649 under s. 382.013(2), or who has claimed to be the father of the  
 650 child and has provided, or has attempted to provide, the child,  
 651 or the mother during her pregnancy, with support in a  
 652 repetitive, customary manner ~~whose consent to the adoption of~~  
 653 ~~the child would be required under s. 63.062(1).~~ If a child has  
 654 been legally adopted, the term "parent" means the adoptive  
 655 mother or father of the child. The term does not include an  
 656 individual whose parental relationship to the child has been  
 657 legally terminated, or an alleged or prospective parent, unless  
 658 the parental status falls within the terms of s. 39.503(1) or  
 659 this subsection ~~s. 63.062(1)~~. For purposes of this chapter only,  
 660 when the phrase "parent or legal custodian" is used, it refers  
 661 to rights or responsibilities of the parent and, only if there  
 662 is no living parent with intact parental rights, to the rights  
 663 or responsibilities of the legal custodian who has assumed the  
 664 role of the parent.

665        ~~(49)(50)~~ "Participant," for purposes of a shelter  
 666 proceeding, dependency proceeding, or termination of parental  
 667 rights proceeding, means any person who is not a party but who  
 668 should receive notice of hearings involving the child, including  
 669 the actual custodian of the child, the foster parents or the  
 670 legal custodian of the child, identified prospective parents,  
 671 ~~grandparents entitled to priority for adoption consideration~~  
 672 ~~under s. 63.0425, actual custodians of the child, and any other~~



673 person whose participation may be in the best interest of the  
 674 child. A community-based agency under contract with the  
 675 department to provide protective services may be designated as a  
 676 participant at the discretion of the court. Participants may be  
 677 granted leave by the court to be heard without the necessity of  
 678 filing a motion to intervene.

679 ~~(50)-(51)~~ "Party" means the parent or parents of the child,  
 680 the petitioner, the department, the guardian ad litem or the  
 681 representative of the guardian ad litem program when the program  
 682 has been appointed, and the child. The presence of the child may  
 683 be excused by order of the court when presence would not be in  
 684 the child's best interest. Notice to the child may be excused by  
 685 order of the court when the age, capacity, or other condition of  
 686 the child is such that the notice would be meaningless or  
 687 detrimental to the child.

688 (51) "Permanency goal" means the living arrangement  
 689 identified for the child to return to or identified as the  
 690 permanent living arrangement of the child. Permanency goals  
 691 applicable under this chapter are:

- 692 (a) Reunification;
- 693 (b) Adoption when a petition for termination of parental  
 694 rights has been or will be filed;
- 695 (c) Permanent guardianship of a dependent child under s.  
 696 39.6221;
- 697 (d) Permanent placement with a fit and willing relative  
 698 under s. 39.6231; or
- 699 (e) Placement in another planned permanent living  
 700 arrangement under s. 39.6241.

701  
 702 The permanency goal is also the case plan goal. If concurrent  
 703 case planning is being used, reunification may be pursued at the  
 704 same time that another permanency goal is pursued.

705 (52) "Permanency plan" means the plan that establishes the  
 706 placement intended to serve as the child's permanent home.

707 (53) "Permanent guardian" means the relative or other  
 708 adult in a permanent guardianship of a dependent child under s.  
 709 39.6221.

710 (54) "Permanent guardianship of a dependent child" means a  
 711 legal relationship that a court creates under s. 39.6221 between  
 712 a child and a relative or other adult approved by the court  
 713 which is intended to be permanent and self-sustaining through  
 714 the transfer of parental rights with respect to the child  
 715 relating to protection, education, care, and control of the  
 716 child, custody of the child, and decisionmaking on behalf of the  
 717 child.

718 (55)~~(52)~~ "Physical injury" means death, permanent or  
 719 temporary disfigurement, or impairment of any bodily part.

720 (56)~~(53)~~ "Physician" means any licensed physician,  
 721 dentist, podiatric physician, or optometrist and includes any  
 722 intern or resident.

723 (57)~~(54)~~ "Preliminary screening" means the gathering of  
 724 preliminary information to be used in determining a child's need  
 725 for further evaluation or assessment or for referral for other  
 726 substance abuse services through means such as psychosocial  
 727 interviews; urine and breathalyzer screenings; and reviews of  
 728 available educational, delinquency, and dependency records of

729 | the child.

730 |       (58)~~(55)~~ "Preventive services" means social services and  
 731 | other supportive and rehabilitative services provided to the  
 732 | parent or legal custodian of the child and to the child for the  
 733 | purpose of averting the removal of the child from the home or  
 734 | disruption of a family which will or could result in the  
 735 | placement of a child in foster care. Social services and other  
 736 | supportive and rehabilitative services shall promote the child's  
 737 | need for physical, mental, and emotional health and a safe,  
 738 | stable, living environment, shall promote family autonomy, and  
 739 | shall strengthen family life, whenever possible.

740 |       (59)~~(56)~~ "Prospective parent" means a person who claims to  
 741 | be, or has been identified as, a person who may be a mother or a  
 742 | father of a child.

743 |       (60)~~(57)~~ "Protective investigation" means the acceptance  
 744 | of a report alleging child abuse, abandonment, or neglect, as  
 745 | defined in this chapter, by the central abuse hotline or the  
 746 | acceptance of a report of other dependency by the department;  
 747 | the investigation of each report; the determination of whether  
 748 | action by the court is warranted; the determination of the  
 749 | disposition of each report without court or public agency action  
 750 | when appropriate; and the referral of a child to another public  
 751 | or private agency when appropriate.

752 |       (61)~~(58)~~ "Protective investigator" means an authorized  
 753 | agent of the department who receives and investigates reports of  
 754 | child abuse, abandonment, or neglect; who, as a result of the  
 755 | investigation, may recommend that a dependency petition be filed  
 756 | for the child; and who performs other duties necessary to carry

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757 out the required actions of the protective investigation  
 758 function.

759 (62)~~(59)~~ "Protective supervision" means a legal status in  
 760 dependency cases which permits the child to remain safely in his  
 761 or her own home or other nonlicensed placement under the  
 762 supervision of an agent of the department and which must be  
 763 reviewed by the court during the period of supervision.

764 (63)~~(60)~~ "Relative" means a grandparent, great-  
 765 grandparent, sibling, first cousin, aunt, uncle, great-aunt,  
 766 great-uncle, niece, or nephew, whether related by the whole or  
 767 half blood, by affinity, or by adoption. The term does not  
 768 include a stepparent.

769 (64)~~(61)~~ "Reunification services" means social services  
 770 and other supportive and rehabilitative services provided to the  
 771 parent of the child, to the child, and, where appropriate, to  
 772 the relative placement, nonrelative placement, or foster parents  
 773 of the child, for the purpose of enabling a child who has been  
 774 placed in out-of-home care to safely return to his or her parent  
 775 at the earliest possible time. The health and safety of the  
 776 child shall be the paramount goal of social services and other  
 777 supportive and rehabilitative services. The ~~Such~~ services shall  
 778 promote the child's need for physical, mental, and emotional  
 779 health and a safe, stable, living environment, shall promote  
 780 family autonomy, and shall strengthen family life, whenever  
 781 possible.

782 (65)~~(62)~~ "Secretary" means the Secretary of Children and  
 783 Family Services.

784 (66)~~(63)~~ "Sexual abuse of a child" means one or more of

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785 the following acts:

786 (a) Any penetration, however slight, of the vagina or anal  
787 opening of one person by the penis of another person, whether or  
788 not there is the emission of semen.

789 (b) Any sexual contact between the genitals or anal  
790 opening of one person and the mouth or tongue of another person.

791 (c) Any intrusion by one person into the genitals or anal  
792 opening of another person, including the use of any object for  
793 this purpose, except that this does not include any act intended  
794 for a valid medical purpose.

795 (d) The intentional touching of the genitals or intimate  
796 parts, including the breasts, genital area, groin, inner thighs,  
797 and buttocks, or the clothing covering them, of either the child  
798 or the perpetrator, except that this does not include:

799 1. Any act which may reasonably be construed to be a  
800 normal caregiver responsibility, any interaction with, or  
801 affection for a child; or

802 2. Any act intended for a valid medical purpose.

803 (e) The intentional masturbation of the perpetrator's  
804 genitals in the presence of a child.

805 (f) The intentional exposure of the perpetrator's genitals  
806 in the presence of a child, or any other sexual act  
807 intentionally perpetrated in the presence of a child, if such  
808 exposure or sexual act is for the purpose of sexual arousal or  
809 gratification, aggression, degradation, or other similar  
810 purpose.

811 (g) The sexual exploitation of a child, which includes  
812 allowing, encouraging, or forcing a child to:

- 813 1. Solicit for or engage in prostitution; or  
 814 2. Engage in a sexual performance, as defined by chapter  
 815 827.

816 (67)~~(64)~~ "Shelter" means a placement with a relative or a  
 817 nonrelative, or in a licensed home or facility, for the  
 818 temporary care of a child who is alleged to be or who has been  
 819 found to be dependent, pending court disposition before or after  
 820 adjudication.

821 (68)~~(65)~~ "Shelter hearing" means a hearing in which the  
 822 court determines whether probable cause exists to keep a child  
 823 in shelter status pending further investigation of the case.

824 (69)~~(66)~~ "Social service agency" means the department, a  
 825 licensed child-caring agency, or a licensed child-placing  
 826 agency.

827 (70)~~(67)~~ "Substance abuse" means using, without medical  
 828 reason, any psychoactive or mood-altering drug, including  
 829 alcohol, in such a manner as to induce impairment resulting in  
 830 dysfunctional social behavior.

831 (71)~~(68)~~ "Substantial compliance" means that the  
 832 circumstances which caused the creation of the case plan have  
 833 been significantly remedied to the extent that the well-being  
 834 and safety of the child will not be endangered upon the child's  
 835 remaining with or being returned to the child's parent.

836 (72)~~(69)~~ "Taken into custody" means the status of a child  
 837 immediately when temporary physical control over the child is  
 838 attained by a person authorized by law, pending the child's  
 839 release or placement.

840 (73)~~(70)~~ "Temporary legal custody" means the relationship

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841 that a ~~juvenile~~ court creates between a child and an adult  
 842 relative of the child, legal custodian, agency, or other person  
 843 approved by the court until a more permanent arrangement is  
 844 ordered. Temporary legal custody confers upon the custodian the  
 845 right to have temporary physical custody of the child and the  
 846 right and duty to protect, nurture, guide ~~train~~, and discipline  
 847 the child and to provide the child with food, shelter, and  
 848 education, and ordinary medical, dental, psychiatric, and  
 849 psychological care, unless these rights and duties are otherwise  
 850 enlarged or limited by the court order establishing the  
 851 temporary legal custody relationship.

852 ~~(74)-(71)~~ "Victim" means any child who has sustained or is  
 853 threatened with physical, mental, or emotional injury identified  
 854 in a report involving child abuse, neglect, or abandonment, or  
 855 child-on-child sexual abuse.

856 ~~(72)~~ ~~"Long term licensed custody" means the relationship~~  
 857 ~~that a juvenile court order creates between a child and a~~  
 858 ~~placement licensed by the state to provide residential care for~~  
 859 ~~dependent children, if the licensed placement is willing and~~  
 860 ~~able to continue to care for the child until the child reaches~~  
 861 ~~the age of majority.~~

862 Section 2. Subsection (15) is added to section 39.0121,  
 863 Florida Statutes, to read:

864 39.0121 Specific rulemaking authority.--Pursuant to the  
 865 requirements of s. 120.536, the department is specifically  
 866 authorized to adopt, amend, and repeal administrative rules  
 867 which implement or interpret law or policy, or describe the  
 868 procedure and practice requirements necessary to implement this

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869 chapter, including, but not limited to, the following:

870 (15) Provision for making available to all physical  
 871 custodians and family services counselors the information  
 872 required by s. 39.6012(2) and for ensuring that this information  
 873 follows the child until permanency has been achieved.

874 Section 3. Section 39.013, Florida Statutes, is amended to  
 875 read:

876 39.013 Procedures and jurisdiction; right to counsel.--

877 (1) All procedures, including petitions, pleadings,  
 878 subpoenas, summonses, and hearings, in this chapter shall be  
 879 conducted according to the Florida Rules of Juvenile Procedure  
 880 unless otherwise provided by law. Parents must be informed by  
 881 the court of their right to counsel in dependency proceedings at  
 882 each stage of the dependency proceedings. Parents who are unable  
 883 to afford counsel must be appointed counsel.

884 (2) The circuit court has ~~shall have~~ exclusive original  
 885 jurisdiction of all proceedings under this chapter, of a child  
 886 voluntarily placed with a licensed child-caring agency, a  
 887 licensed child-placing agency, or the department, and of the  
 888 adoption of children whose parental rights have been terminated  
 889 under this chapter. Jurisdiction attaches when the initial  
 890 shelter petition, dependency petition, or termination of  
 891 parental rights petition is filed or when a child is taken into  
 892 the custody of the department. The circuit court may assume  
 893 jurisdiction over any such proceeding regardless of whether the  
 894 child was in the physical custody of both parents, was in the  
 895 sole legal or physical custody of only one parent, caregiver, or  
 896 some other person, or was in the physical or legal custody of no



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897 person when the event or condition occurred that brought the  
898 child to the attention of the court. When the court obtains  
899 jurisdiction of any child who has been found to be dependent,  
900 the court shall retain jurisdiction, unless relinquished by its  
901 order, until the child reaches 18 years of age. However, if a  
902 youth petitions the court at any time before his or her 19th  
903 birthday requesting the court's continued jurisdiction, the  
904 juvenile court may retain jurisdiction under this chapter for a  
905 period not to exceed 1 year following the youth's 18th birthday  
906 for the purpose of determining whether appropriate aftercare  
907 support, Road-to-Independence Scholarship, transitional support,  
908 mental health, and developmental disability services, to the  
909 extent otherwise authorized by law, have been provided to the  
910 formerly dependent child who was in the legal custody of the  
911 department immediately before his or her 18th birthday. If a  
912 petition for special immigrant juvenile status and an  
913 application for adjustment of status have been filed on behalf  
914 of a foster child and the petition and application have not been  
915 granted by the time the child reaches 18 years of age, the court  
916 may retain jurisdiction over the dependency case solely for the  
917 purpose of allowing the continued consideration of the petition  
918 and application by federal authorities. Review hearings for the  
919 child shall be set solely for the purpose of determining the  
920 status of the petition and application. The court's jurisdiction  
921 terminates upon the final decision of the federal authorities.  
922 Retention of jurisdiction in this instance does not affect the  
923 services available to a young adult under s. 409.1451. The court  
924 may not retain jurisdiction of the case after the immigrant

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925 child's 22nd birthday.

926 (3) When a child is under the jurisdiction of the circuit  
927 court pursuant to ~~the provisions of~~ this chapter, the circuit  
928 court assigned to handle dependency matters may exercise the  
929 general and equitable jurisdiction over guardianship proceedings  
930 under ~~pursuant to the provisions of~~ chapter 744 and proceedings  
931 for temporary custody of minor children by extended family under  
932 ~~pursuant to the provisions of~~ chapter 751.

933 (4) Orders entered pursuant to this chapter which affect  
934 the placement of, access to, parental time with, adoption of, or  
935 parental rights and responsibilities for a minor child shall  
936 take precedence over other orders entered in civil actions or  
937 proceedings. However, if the court has terminated jurisdiction,  
938 the ~~such~~ order may be subsequently modified by a court of  
939 competent jurisdiction in any other civil action or proceeding  
940 affecting placement of, access to, parental time with, adoption  
941 of, or parental rights and responsibilities for the same minor  
942 child.

943 (5) The court shall expedite the resolution of the  
944 placement issue in cases involving a child who has been removed  
945 from the parent and placed in an out-of-home placement.

946 (6) The court shall expedite the judicial handling of all  
947 cases when the child has been removed from the parent and placed  
948 in an out-of-home placement.

949 (7) Children removed from their homes shall be provided  
950 equal treatment with respect to goals, objectives, services, and  
951 case plans, without regard to the location of their placement.

952 (8) For any child who remains in the custody of the

953 department, the court shall, within the month which constitutes  
 954 the beginning of the 6-month period before the child's 18th  
 955 birthday, hold a hearing to review the progress of the child  
 956 while in the custody of the department.

957 (9) (a) At each stage of the proceedings under this  
 958 chapter, the court shall advise the parents of the right to  
 959 counsel. The court shall appoint counsel for indigent parents.  
 960 The court shall ascertain whether the right to counsel is  
 961 understood. When right to counsel is waived, the court shall  
 962 determine whether the waiver is knowing and intelligent. The  
 963 court shall enter its findings in writing with respect to the  
 964 appointment or waiver of counsel for indigent parents or the  
 965 waiver of counsel by nonindigent parents.

966 (b) Once counsel has entered an appearance or been  
 967 appointed by the court to represent the parent of the child, the  
 968 attorney shall continue to represent the parent throughout the  
 969 proceedings. If the attorney-client relationship is  
 970 discontinued, the court shall advise the parent of the right to  
 971 have new counsel retained or appointed for the remainder of the  
 972 proceedings.

973 (c) 1. A ~~No~~ waiver of counsel may not be accepted if it  
 974 appears that the parent is unable to make an intelligent and  
 975 understanding choice because of mental condition, age,  
 976 education, experience, the nature or complexity of the case, or  
 977 other factors.

978 2. A waiver of counsel made in court must be of record.

979 3. If a waiver of counsel is accepted at any hearing or  
 980 proceeding, the offer of assistance of counsel must be renewed

981 by the court at each subsequent stage of the proceedings at  
 982 which the parent appears without counsel.

983 (d) This subsection does not apply to any parent who has  
 984 voluntarily executed a written surrender of the child and  
 985 consents to the entry of a court order terminating parental  
 986 rights.

987 ~~(10) The time limitations in this chapter do not include:~~

988 ~~(a) Periods of delay resulting from a continuance granted~~  
 989 ~~at the request or with the consent of the child's counsel or the~~  
 990 ~~child's guardian ad litem, if one has been appointed by the~~  
 991 ~~court, or, if the child is of sufficient capacity to express~~  
 992 ~~reasonable consent, at the request or with the consent of the~~  
 993 ~~child.~~

994 ~~(b) Periods of delay resulting from a continuance granted~~  
 995 ~~at the request of any party, if the continuance is granted:~~

996 ~~1. Because of an unavailability of evidence material to~~  
 997 ~~the case when the requesting party has exercised due diligence~~  
 998 ~~to obtain such evidence and there are substantial grounds to~~  
 999 ~~believe that such evidence will be available within 30 days.~~

1000 ~~However, if the requesting party is not prepared to proceed~~  
 1001 ~~within 30 days, any other party, inclusive of the parent or~~  
 1002 ~~legal custodian, may move for issuance of an order to show cause~~  
 1003 ~~or the court on its own motion may impose appropriate sanctions,~~  
 1004 ~~which may include dismissal of the petition.~~

1005 ~~2. To allow the requesting party additional time to~~  
 1006 ~~prepare the case and additional time is justified because of an~~  
 1007 ~~exceptional circumstance.~~

1008 ~~(c) Reasonable periods of delay necessary to accomplish~~

1009 ~~notice of the hearing to the child's parent or legal custodian,~~  
 1010 ~~however, the petitioner shall continue regular efforts to~~  
 1011 ~~provide notice to the parents during such periods of delay.~~

1012 ~~(d) Reasonable periods of delay resulting from a~~  
 1013 ~~continuance granted at the request of the parent or legal~~  
 1014 ~~custodian of a subject child.~~

1015 ~~(e) Notwithstanding the foregoing, continuances and~~  
 1016 ~~extensions of time are limited to the number of days absolutely~~  
 1017 ~~necessary to complete a necessary task in order to preserve the~~  
 1018 ~~rights of a party or the best interests of a child. Time is of~~  
 1019 ~~the essence for the best interests of dependent children in~~  
 1020 ~~conducting dependency proceedings in accordance with the time~~  
 1021 ~~limitations set forth in this chapter. Time limitations are a~~  
 1022 ~~right of the child which may not be waived, extended, or~~  
 1023 ~~continued at the request of any party in advance of the~~  
 1024 ~~particular circumstances or need arising upon which delay of the~~  
 1025 ~~proceedings may be warranted.~~

1026 ~~(f) Continuances or extensions of time may not total more~~  
 1027 ~~than 60 days for all parties within any 12-month period during~~  
 1028 ~~proceedings under this chapter. A continuance or extension of~~  
 1029 ~~time beyond the 60 days may be granted only for extraordinary~~  
 1030 ~~circumstances necessary to preserve the constitutional rights of~~  
 1031 ~~a party or when substantial evidence demonstrates that the~~  
 1032 ~~child's best interests will be affirmatively harmed without the~~  
 1033 ~~granting of a continuance or extension of time.~~

1034 ~~(10)~~(11) Court-appointed counsel representing indigent  
 1035 parents at shelter hearings shall be paid from state funds  
 1036 appropriated by general law.

1037 (11)~~(12)~~ The court shall encourage the Statewide Guardian  
 1038 Ad Litem Office to provide greater representation to those  
 1039 children who are within 1 year of transferring out of foster  
 1040 care.

1041 Section 4. Section 39.0136, Florida Statutes, is created  
 1042 to read:

1043 39.0136 Time limitations; continuances.--

1044 (1) The Legislature finds that time is of the essence for  
 1045 establishing permanency for a child in the dependency system.  
 1046 Time limitations are a right of the child which may not be  
 1047 waived, extended, or continued at the request of any party  
 1048 except as provided in this section.

1049 (2) The time limitations in this chapter do not include:

1050 (a) Periods of delay resulting from a continuance granted  
 1051 at the request of the child's counsel or the child's guardian ad  
 1052 litem or, if the child is of sufficient capacity to express  
 1053 reasonable consent, at the request or with the consent of the  
 1054 child. The court must consider the best interest of the child  
 1055 when determining periods of delay under this section.

1056 (b) Periods of delay resulting from a continuance granted  
 1057 at the request of any party if the continuance is granted:

1058 1. Because of an unavailability of evidence that is  
 1059 material to the case if the requesting party has exercised due  
 1060 diligence to obtain evidence and there are substantial grounds  
 1061 to believe that the evidence will be available within 30 days.  
 1062 However, if the requesting party is not prepared to proceed  
 1063 within 30 days, any other party may move for issuance of an  
 1064 order to show cause or the court, on its own motion, may impose

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1065 appropriate sanctions, which may include dismissal of the  
 1066 petition.

1067 2. To allow the requesting party additional time to  
 1068 prepare the case and additional time is justified because of an  
 1069 exceptional circumstance.

1070 (c) Reasonable periods of delay necessary to accomplish  
 1071 notice of the hearing to the child's parent or legal custodian;  
 1072 however, the petitioner shall continue regular efforts to  
 1073 provide notice to the parents during the periods of delay.

1074 (3) Notwithstanding subsection (2), in order to expedite  
 1075 permanency for a child, the total time allowed for continuances  
 1076 or extensions of time may not exceed 60 days within any 12-month  
 1077 period for proceedings conducted under this chapter. A  
 1078 continuance or extension of time may be granted only for  
 1079 extraordinary circumstances in which it is necessary to preserve  
 1080 the constitutional rights of a party or if substantial evidence  
 1081 exists to demonstrate that without granting a continuance or  
 1082 extension of time the child's best interest will be harmed.

1083 (4) Notwithstanding subsection (2), a continuance or an  
 1084 extension of time is limited to the number of days absolutely  
 1085 necessary to complete a necessary task in order to preserve the  
 1086 rights of a party or the best interest of a child.

1087 Section 5. Section 39.0137, Florida Statutes, is created  
 1088 to read:

1089 39.0137 Federal law; rulemaking authority.--

1090 (1) This chapter does not supersede the requirements of  
 1091 the Indian Child Welfare Act, 25 U.S.C. ss. 1901 et seq., or the  
 1092 Multi-Ethnic Placement Act of 1994, Pub. L. No. 103-382, as

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1093 amended, or the implementing regulations.

1094 (2) The department shall adopt rules no later than July 1,  
 1095 2007, to ensure that the provisions of these federal laws are  
 1096 enforced in this state. The department is encouraged to enter  
 1097 into agreements with recognized American Indian tribes in order  
 1098 to facilitate the implementation of the Indian Child Welfare  
 1099 Act.

1100 Section 6. Section 39.0138, Florida Statutes, is created  
 1101 to read:

1102 39.0138 Requirements for placement of children; exemptions  
 1103 from disqualification.--

1104 (1)(a) The department may conduct criminal records checks  
 1105 equivalent to the level 2 screening required in s. 435.04 for  
 1106 any person being considered by the department for approval for  
 1107 placement of a child subject to a placement decision under this  
 1108 chapter. Approval for placement with any person other than a  
 1109 parent may not be granted in any case in which a criminal  
 1110 records check reveals a felony conviction in a court of  
 1111 competent jurisdiction for:

1112 1. Child abuse, abandonment, or neglect; spousal abuse; a  
 1113 crime against children, including child pornography, or a crime  
 1114 involving violence, including sexual battery, sexual assault, or  
 1115 homicide, but not including other physical assault or battery,  
 1116 if the felony was committed at any time; or

1117 2. Physical assault, battery, or a drug-related offense if  
 1118 the felony was committed within the past 5 years.

1119 (b) Notwithstanding paragraph (a), the department may  
 1120 place a child in a home that otherwise meets placement



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1121 requirements if state and local criminal records checks do not  
1122 disqualify the applicant and if the department has submitted  
1123 fingerprint information to the Department of Law Enforcement for  
1124 forwarding to the Federal Bureau of Investigation and is  
1125 awaiting the results of the federal criminal records check.

1126 (c) Persons with whom placement of a child is being  
1127 considered or approved must disclose to the department any prior  
1128 or pending local, state, or federal criminal proceedings in  
1129 which they are or have been involved.

1130 (d) The results of any criminal records check of a parent  
1131 conducted under this section must be considered in determining  
1132 whether placement with the parent will jeopardize the safety of  
1133 the child being placed.

1134 (2) (a) The court may review the decision of the department  
1135 to grant or deny an exemption upon the motion of any party, the  
1136 request of any person who has been denied an exemption by the  
1137 department, or on its own motion. The court shall prepare  
1138 written findings to support its decision in this matter.

1139 (b) A person seeking placement of a child when the  
1140 department has denied the placement based on a disqualifying  
1141 criminal offense has the burden of setting forth sufficient  
1142 evidence of rehabilitation, including, but not limited to, the  
1143 circumstances surrounding the incident for which an exemption  
1144 from disqualification is sought, the time period that has  
1145 elapsed since the incident, the nature of the harm caused to the  
1146 victim, the history of the person since the incident, and any  
1147 other evidence or circumstances indicating that the person will  
1148 not present a danger if the placement of the child is allowed.

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1149 Section 7. Paragraph (a) of subsection (1), paragraph (a)  
1150 of subsection (2), and subsection (5) of section 39.201, Florida  
1151 Statutes, are amended to read:

1152 39.201 Mandatory reports of child abuse, abandonment, or  
1153 neglect; mandatory reports of death; central abuse hotline.--

1154 (1) (a) Any person who knows, or has reasonable cause to  
1155 suspect, that a child is abused, abandoned, or neglected by a  
1156 parent, legal custodian, caregiver, or other person responsible  
1157 for the child's welfare, as defined in this chapter, or that a  
1158 child is in need of supervision and care and has no parent,  
1159 legal custodian, or responsible adult relative immediately known  
1160 and available to provide supervision and care shall report such  
1161 knowledge or suspicion to the department in the manner  
1162 prescribed in subsection (2).

1163 (2) (a) Each report of known or suspected child abuse,  
1164 abandonment, or neglect by a parent, legal custodian, caregiver,  
1165 or other person responsible for the child's welfare as defined  
1166 in this chapter, except those solely under s. 827.04(3), and  
1167 each report that a child is in need of supervision and care and  
1168 has no parent, legal custodian, or responsible adult relative  
1169 immediately known and available to provide supervision and care  
1170 shall be made immediately to the department's central abuse  
1171 hotline on the single statewide toll-free telephone number.  
1172 Personnel at the department's central abuse hotline shall  
1173 determine if the report received meets the statutory definition  
1174 of child abuse, abandonment, or neglect. Any report meeting one  
1175 of these definitions shall be accepted for the protective  
1176 investigation pursuant to part III of this chapter.

1177           (5) The department shall be capable of receiving and  
 1178     investigating, 24 hours a day, 7 days a week, reports of known  
 1179     or suspected child abuse, abandonment, or neglect and reports  
 1180     that a child is in need of supervision and care and has no  
 1181     parent, legal custodian, or responsible adult relative  
 1182     immediately known and available to provide supervision and care  
 1183     ~~24 hours a day, 7 days a week.~~ If it appears that the immediate  
 1184     safety or well-being of a child is endangered, that the family  
 1185     may flee or the child will be unavailable for purposes of  
 1186     conducting a child protective investigation, or that the facts  
 1187     otherwise so warrant, the department shall commence an  
 1188     investigation immediately, regardless of the time of day or  
 1189     night. In all other child abuse, abandonment, or neglect cases,  
 1190     a child protective investigation shall be commenced within 24  
 1191     hours after receipt of the report. In an institutional  
 1192     investigation, the alleged perpetrator may be represented by an  
 1193     attorney, at his or her own expense, or accompanied by another  
 1194     person, if the person or the attorney executes an affidavit of  
 1195     understanding with the department and agrees to comply with the  
 1196     confidentiality provisions of s. 39.202. The absence of an  
 1197     attorney or other person does not prevent the department from  
 1198     proceeding with other aspects of the investigation, including  
 1199     interviews with other persons. In institutional child abuse  
 1200     cases when the institution is not operating and the child cannot  
 1201     otherwise be located, the investigation shall commence  
 1202     immediately upon the resumption of operation. If requested by a  
 1203     state attorney or local law enforcement agency, the department  
 1204     shall furnish all investigative reports to that agency.

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1205 Section 8. Subsections (1), (2), (5), and (22) of section  
 1206 39.301, Florida Statutes, are amended, and subsection (23) is  
 1207 added to that section, to read:

1208 39.301 Initiation of protective investigations.--

1209 (1) Upon receiving an oral or written report of known or  
 1210 suspected child abuse, abandonment, or neglect, or that a child  
 1211 is in need of supervision and care and has no parent, legal  
 1212 custodian, or responsible adult relative immediately known and  
 1213 available to provide supervision and care, the central abuse  
 1214 hotline shall determine if the report requires an immediate  
 1215 onsite protective investigation. For reports requiring an  
 1216 immediate onsite protective investigation, the central abuse  
 1217 hotline shall immediately notify the department's designated  
 1218 children and families district staff responsible for protective  
 1219 investigations to ensure that an onsite investigation is  
 1220 promptly initiated. For reports not requiring an immediate  
 1221 onsite protective investigation, the central abuse hotline shall  
 1222 notify the department's designated children and families  
 1223 district staff responsible for protective investigations in  
 1224 sufficient time to allow for an investigation. At the time of  
 1225 notification of district staff with respect to the report, the  
 1226 central abuse hotline shall also provide information on any  
 1227 previous report concerning a subject of the present report or  
 1228 any pertinent information relative to the present report or any  
 1229 noted earlier reports.

1230 (2) (a) The department shall immediately forward  
 1231 allegations of criminal conduct to the municipal or county law  
 1232 enforcement agency of the municipality or county in which the

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1233 | alleged conduct has occurred.

1234 |       (b) As used in this subsection, the term "criminal  
1235 | conduct" means:

1236 |       1. A child is known or suspected to be the victim of child  
1237 | abuse, as defined in s. 827.03, or of neglect of a child, as  
1238 | defined in s. 827.03.

1239 |       2. A child is known or suspected to have died as a result  
1240 | of abuse or neglect.

1241 |       3. A child is known or suspected to be the victim of  
1242 | aggravated child abuse, as defined in s. 827.03.

1243 |       4. A child is known or suspected to be the victim of  
1244 | sexual battery, as defined in s. 827.071, or of sexual abuse, as  
1245 | defined in s. 39.01.

1246 |       5. A child is known or suspected to be the victim of  
1247 | institutional child abuse or neglect, as defined in s. 39.01,  
1248 | and as provided for in s. 39.302(1).

1249 |       6. A child is known or suspected to be a victim of human  
1250 | trafficking, as provided in s. 787.06.

1251 |       (c) Upon receiving a written report of an allegation of  
1252 | criminal conduct from the department, the law enforcement agency  
1253 | shall review the information in the written report to determine  
1254 | whether a criminal investigation is warranted. If the law  
1255 | enforcement agency accepts the case for criminal investigation,  
1256 | it shall coordinate its investigative activities with the  
1257 | department, whenever feasible. If the law enforcement agency  
1258 | does not accept the case for criminal investigation, the agency  
1259 | shall notify the department in writing.

1260 |       (d) The local law enforcement agreement required in s.

1261 39.306 shall describe the specific local protocols for  
 1262 implementing this section.

1263 (5) (a) Upon commencing an investigation under this part,  
 1264 the child protective investigator shall inform any subject of  
 1265 the investigation of the following:

1266 1. The names of the investigators and identifying  
 1267 credentials from the department.

1268 2. The purpose of the investigation.

1269 3. The right to obtain his or her own attorney and ways  
 1270 that the information provided by the subject may be used.

1271 4. The possible outcomes and services of the department's  
 1272 response, which shall be explained to the parent or legal  
 1273 custodian.

1274 5. The right of the parent or legal custodian to be  
 1275 involved to the fullest extent possible in determining the  
 1276 nature of the allegation and the nature of any identified  
 1277 problem.

1278 6. The duty of the parent or legal custodian to report any  
 1279 change in the residence or location of the child to the  
 1280 investigator and that the duty to report continues until the  
 1281 investigation is closed.

1282 (b) The department's training program shall ensure that  
 1283 protective investigators know how to fully inform parents or  
 1284 legal custodians of their rights and options, including  
 1285 opportunities for audio or video recording of investigators'  
 1286 interviews with parents or legal custodians or children.

1287 (22) When an investigation is closed and a person is not  
 1288 identified as a caregiver responsible for the abuse, neglect, or

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1289 abandonment alleged in the report, the fact that the person is  
 1290 named in some capacity in the report may not be used in any way  
 1291 to adversely affect the interests of that person. This  
 1292 prohibition applies to any use of the information in employment  
 1293 screening, licensing, child placement, adoption, or any other  
 1294 decisions by a private adoption agency or a state agency or its  
 1295 contracted providers, except that a previous report may be used  
 1296 to determine whether a child is safe and what the known risk is  
 1297 to the child at any stage of a child protection proceeding.

1298 (23) If, after having been notified of the requirement to  
 1299 report a change in residence or location of the child to the  
 1300 protective investigator, a parent or legal custodian causes the  
 1301 child to move, or allows the child to be moved, to a different  
 1302 residence or location, or if the child leaves the residence on  
 1303 his or her own accord and the parent or legal custodian does not  
 1304 notify the protective investigator of the move within 2 business  
 1305 days, the child may be considered to be a missing child for the  
 1306 purposes of filing a report with a law enforcement agency under  
 1307 s. 937.021.

1308 Section 9. Subsection (2) of section 39.303, Florida  
 1309 Statutes, is amended to read:

1310 39.303 Child protection teams; services; eligible  
 1311 cases.--The Children's Medical Services Program in the  
 1312 Department of Health shall develop, maintain, and coordinate the  
 1313 services of one or more multidisciplinary child protection teams  
 1314 in each of the service districts of the Department of Children  
 1315 and Family Services. Such teams may be composed of appropriate  
 1316 representatives of school districts and appropriate health,

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1317 mental health, social service, legal service, and law  
 1318 enforcement agencies. The Legislature finds that optimal  
 1319 coordination of child protection teams and sexual abuse  
 1320 treatment programs requires collaboration between the Department  
 1321 of Health and the Department of Children and Family Services.  
 1322 The two departments shall maintain an interagency agreement that  
 1323 establishes protocols for oversight and operations of child  
 1324 protection teams and sexual abuse treatment programs. The  
 1325 Secretary of Health and the Deputy Secretary for Children's  
 1326 Medical Services, in consultation with the Secretary of Children  
 1327 and Family Services, shall maintain the responsibility for the  
 1328 screening, employment, and, if necessary, the termination of  
 1329 child protection team medical directors, at headquarters and in  
 1330 the 15 districts. Child protection team medical directors shall  
 1331 be responsible for oversight of the teams in the districts.

1332 (2) The child abuse, abandonment, and neglect reports that  
 1333 must be referred by the department ~~of Children and Family~~  
 1334 ~~Services~~ to child protection teams of the Department of Health  
 1335 for an assessment and other appropriate available support  
 1336 services as set forth in subsection (1) must include cases  
 1337 involving:

1338 (a) Injuries to the head, bruises to the neck or head,  
 1339 burns, or fractures in a child of any age.

1340 (b) Bruises anywhere on a child 5 years of age or under.

1341 (c) Any report alleging sexual abuse of a child ~~in which~~  
 1342 ~~vaginal or anal penetration is alleged or in which other~~  
 1343 ~~unlawful sexual conduct has been determined to have occurred.~~

1344 (d) Any sexually transmitted disease in a prepubescent



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1345 child.

1346 (e) Reported malnutrition of a child and failure of a  
1347 child to thrive.

1348 (f) Reported medical neglect of a child.

1349 (g) Any family in which one or more children have been  
1350 pronounced dead on arrival at a hospital or other health care  
1351 facility, or have been injured and later died, as a result of  
1352 suspected abuse, abandonment, or neglect, when any sibling or  
1353 other child remains in the home.

1354 (h) Symptoms of serious emotional problems in a child when  
1355 emotional or other abuse, abandonment, or neglect is suspected.

1356 Section 10. Subsections (10) and (16) of section 39.402,  
1357 Florida Statutes, are amended, and subsections (17) and (18) are  
1358 added to that section, to read:

1359 39.402 Placement in a shelter.--

1360 (10) (a) The shelter hearing order shall contain a written  
1361 determination as to whether the department has made a reasonable  
1362 effort to prevent or eliminate the need for removal or continued  
1363 removal of the child from the home. This determination must  
1364 include a description of which specific services, if available,  
1365 could prevent or eliminate the need for removal or continued  
1366 removal from the home and the date by which the services are  
1367 expected to become available.

1368 (b) If services are not available to prevent or eliminate  
1369 the need for removal or continued removal of the child from the  
1370 home, the written determination must also contain a explanation  
1371 describing why the services are not available for the child.

1372 (c) If the department has not made ~~such~~ an effort to

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1373 prevent or eliminate the need for removal, the court shall order  
1374 the department to provide appropriate and available services to  
1375 ensure the protection of the child in the home when the such  
1376 services are necessary for the child's health and safety.

1377 (16) At the conclusion of a shelter hearing, the court  
1378 shall:

1379 (a) Notify all parties in writing of the next scheduled  
1380 hearing to review the shelter placement. The ~~Such~~ hearing shall  
1381 be held no later than 30 days after placement of the child in  
1382 shelter status, in conjunction with the arraignment hearing, and  
1383 at such times as are otherwise provided by law or determined by  
1384 the court to be necessary; and-

1385 (b) Notify all parties in writing of the date, time, and  
1386 place of the case plan conference, family team conference, or  
1387 mediation that will be used to develop the case plan. The case  
1388 plan conference, family team conference, or mediation must take  
1389 place no later than 30 days after placing the child in shelter  
1390 status.

1391 (17) At the shelter hearing, the court shall inquire of  
1392 the parent whether the parent has relatives who might be  
1393 considered as a placement for the child. The parent shall  
1394 provide to the court and all parties identification and location  
1395 information regarding the relatives. The court shall advise the  
1396 parent that the parent has a continuing duty to inform the  
1397 department of any relative who should be considered as a  
1398 placement for the child.

1399 (18) The court shall advise the parents that, if the  
1400 parents fail to substantially comply with the case plan, their

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1401 parental rights may be terminated and that the child's out-of-  
 1402 home placement may become permanent.

1403 Section 11. Present subsections (7) and (8) of section  
 1404 39.507, Florida Statutes, are redesignated as subsections (8)  
 1405 and (9), respectively, and a new subsection (7) is added to that  
 1406 section, to read:

1407 39.507 Adjudicatory hearings; orders of adjudication.--

1408 (7) If a court adjudicates a child dependent and the child  
 1409 is in out-of-home care, the court shall inquire of the parent or  
 1410 parents whether the parents have relatives who might be  
 1411 considered as a placement for the child. The court shall advise  
 1412 the parents that, if the parents fail to substantially comply  
 1413 with the case plan, their parental rights may be terminated and  
 1414 that the child's out-of-home placement may become permanent. The  
 1415 parent or parents shall provide to the court and all parties  
 1416 identification and location information of the relatives.

1417 Section 12. Paragraph (c) of subsection (1) and paragraph  
 1418 (a) of subsection (2) of section 39.5085, Florida Statutes, are  
 1419 amended to read:

1420 39.5085 Relative Caregiver Program.--

1421 (1) It is the intent of the Legislature in enacting this  
 1422 section to:

1423 (c) Recognize that permanency in the best interests of the  
 1424 child can be achieved through a variety of permanency options,  
 1425 including permanent guardianship under s. 39.6221 if the  
 1426 guardian is a relative, permanent placement with a fit and  
 1427 willing relative ~~long-term relative custody~~, guardianship under  
 1428 chapter 744, or adoption, by providing additional placement

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1429 options and incentives that will achieve permanency and  
1430 stability for many children who are otherwise at risk of foster  
1431 care placement because of abuse, abandonment, or neglect, but  
1432 who may successfully be able to be placed by the dependency  
1433 court in the care of such relatives.

1434 (2) (a) The Department of Children and Family Services  
1435 shall establish and operate the Relative Caregiver Program under  
1436 ~~pursuant to~~ eligibility guidelines established in this section  
1437 as further implemented by rule of the department. The Relative  
1438 Caregiver Program shall, within the limits of available funding,  
1439 provide financial assistance to:

1440 1. Relatives who are within the fifth degree by blood or  
1441 marriage to the parent or stepparent of a child and who are  
1442 caring full-time for that dependent child in the role of  
1443 substitute parent as a result of a court's determination of  
1444 child abuse, neglect, or abandonment and subsequent placement  
1445 with the relative under ~~pursuant to~~ this chapter.

1446 2. Relatives who are within the fifth degree by blood or  
1447 marriage to the parent or stepparent of a child and who are  
1448 caring full-time for that dependent child, and a dependent half-  
1449 brother or half-sister of that dependent child, in the role of  
1450 substitute parent as a result of a court's determination of  
1451 child abuse, neglect, or abandonment and subsequent placement  
1452 with the relative under ~~pursuant to~~ this chapter.

1453  
1454 The ~~Such~~ placement may be either court-ordered temporary legal  
1455 custody to the relative under protective supervision of the  
1456 department under ~~pursuant to~~ s. 39.521(1)(b)3., or court-ordered

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1457 placement in the home of a relative as a permanency option under  
 1458 s. 39.6221 or s. 39.6231, or under former ~~pursuant to~~ s. 39.622.  
 1459 The Relative Caregiver Program shall offer financial assistance  
 1460 to caregivers who are relatives and who would be unable to serve  
 1461 in that capacity without the relative caregiver payment because  
 1462 of financial burden, thus exposing the child to the trauma of  
 1463 placement in a shelter or in foster care.

1464 Section 13. Paragraph (d) of subsection (1) of section  
 1465 39.521, Florida Statutes, is amended to read:

1466 39.521 Disposition hearings; powers of disposition.--

1467 (1) A disposition hearing shall be conducted by the court,  
 1468 if the court finds that the facts alleged in the petition for  
 1469 dependency were proven in the adjudicatory hearing, or if the  
 1470 parents or legal custodians have consented to the finding of  
 1471 dependency or admitted the allegations in the petition, have  
 1472 failed to appear for the arraignment hearing after proper  
 1473 notice, or have not been located despite a diligent search  
 1474 having been conducted.

1475 (d) The court shall, in its written order of disposition,  
 1476 include all of the following:

- 1477 1. The placement or custody of the child.
- 1478 2. Special conditions of placement and visitation.
- 1479 3. Evaluation, counseling, treatment activities, and other  
 1480 actions to be taken by the parties, if ordered.
- 1481 4. The persons or entities responsible for supervising or  
 1482 monitoring services to the child and parent.
- 1483 5. Continuation or discharge of the guardian ad litem, as  
 1484 appropriate.

1485           6. The date, time, and location of the next scheduled  
 1486 review hearing, which must occur within the earlier of:  
 1487           a. Ninety days after the disposition hearing;  
 1488           b. Ninety days after the court accepts the case plan;  
 1489           c. Six months after the date of the last review hearing;

1490 or

1491           d. Six months after the date of the child's removal from  
 1492 his or her home, if no review hearing has been held since the  
 1493 child's removal from the home.

1494           7. If the child is in an out-of-home placement, child  
 1495 support to be paid by the parents, or the guardian of the  
 1496 child's estate if possessed of assets which under law may be  
 1497 disbursed for the care, support, and maintenance of the child.  
 1498 The court may exercise jurisdiction over all child support  
 1499 matters, shall adjudicate the financial obligation, including  
 1500 health insurance, of the child's parents or guardian, and shall  
 1501 enforce the financial obligation as provided in chapter 61. The  
 1502 state's child support enforcement agency shall enforce child  
 1503 support orders under this section in the same manner as child  
 1504 support orders under chapter 61. Placement of the child shall  
 1505 not be contingent upon issuance of a support order.

1506           8.a. If the court does not commit the child to the  
 1507 temporary legal custody of an adult relative, legal custodian,  
 1508 or other adult approved by the court, the disposition order  
 1509 shall include the reasons for such a decision and shall include  
 1510 a determination as to whether diligent efforts were made by the  
 1511 department to locate an adult relative, legal custodian, or  
 1512 other adult willing to care for the child in order to present

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1513 that placement option to the court instead of placement with the  
 1514 department.

1515 b. If ~~diligent efforts are made to locate an adult~~  
 1516 ~~relative willing and able to care for the child but,~~ because no  
 1517 suitable relative is found and, the child is placed with the  
 1518 department or a legal custodian or other adult approved by the  
 1519 court, both the department and the court shall consider  
 1520 transferring temporary legal custody to an adult relative  
 1521 approved by the court at a later date, but neither the  
 1522 department nor the court is obligated to so place the child if  
 1523 it is in the child's best interest to remain in the current  
 1524 placement.

1525  
 1526 For the purposes of this subparagraph, "diligent efforts to  
 1527 locate an adult relative" means a search similar to the diligent  
 1528 search for a parent, but without the continuing obligation to  
 1529 search after an initial adequate search is completed.

1530 9. Other requirements necessary to protect the health,  
 1531 safety, and well-being of the child, to preserve the stability  
 1532 of the child's educational placement, and to promote family  
 1533 preservation or reunification whenever possible.

1534 Section 14. Subsection (1) of section 39.522, Florida  
 1535 Statutes, is amended to read:

1536 39.522 Postdisposition change of custody.--The court may  
 1537 change the temporary legal custody or the conditions of  
 1538 protective supervision at a postdisposition hearing, without the  
 1539 necessity of another adjudicatory hearing.

1540 (1) A child who has been placed in the child's own home

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1541 under the protective supervision of an authorized agent of the  
 1542 department, in the home of a relative, in the home of a legal  
 1543 custodian, or in some other place may be brought before the  
 1544 court by the department or by any other interested person, upon  
 1545 the filing of a petition alleging a need for a change in the  
 1546 conditions of protective supervision or the placement. If the  
 1547 parents or other legal custodians deny the need for a change,  
 1548 the court shall hear all parties in person or by counsel, or  
 1549 both. Upon the admission of a need for a change or after such  
 1550 hearing, the court shall enter an order changing the placement,  
 1551 modifying the conditions of protective supervision, or  
 1552 continuing the conditions of protective supervision as ordered.  
 1553 The standard for changing custody of the child shall be the best  
 1554 interest of the child. When applying this standard, the court  
 1555 shall consider the continuity of the child's placement in the  
 1556 same out-of-home residence as a factor when determining the best  
 1557 interest of the child. If the child is not placed in foster  
 1558 care, then the new placement for the child must meet the home  
 1559 study criteria and court approval pursuant to this chapter.

1560 Section 15. Section 39.6011, Florida Statutes, is created  
 1561 to read:

1562 39.6011 Case plan development.--

1563 (1) The department shall prepare a draft of the case plan  
 1564 for each child receiving services under this chapter. A parent  
 1565 of a child may not be threatened or coerced with the loss of  
 1566 custody or parental rights for failing to admit in the case plan  
 1567 to abusing, neglecting, or abandoning a child. Participating in  
 1568 the development of a case plan is not an admission to any



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1569 allegation of abuse, abandonment, or neglect, and it is not a  
1570 consent to a finding of dependency or termination of parental  
1571 rights. The case plan shall be developed subject to the  
1572 following requirements:

1573 (a) The case plan must be developed in a face-to-face  
1574 conference with the parent of the child, any court-appointed  
1575 guardian ad litem, and, if appropriate, the child and the  
1576 temporary custodian of the child. The conference to prepare a  
1577 case plan must be scheduled under s. 39.402(16)(b) and must be  
1578 conducted according to one of the following procedures:

1579 1. A case plan conference that is a meeting among the  
1580 parties described in this subsection.

1581 2. A mediation if dependency mediation services are  
1582 available and appropriate and in the best interest of the child.

1583 3. A family team conference if a family team conference is  
1584 available.

1585 (b) The parent may receive assistance from any person or  
1586 social service agency in preparing the case plan. The social  
1587 service agency, the department, and the court, when applicable,  
1588 shall inform the parent of the right to receive such assistance,  
1589 including the right to assistance of counsel.

1590 (c) If a parent is unwilling or unable to participate in  
1591 developing a case plan, the department shall document that  
1592 unwillingness or inability to participate. The documentation  
1593 must be provided in writing to the parent when available for the  
1594 court record, and the department shall prepare a case plan  
1595 conforming as nearly as possible with the requirements set forth  
1596 in this section. The unwillingness or inability of the parent to

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1597 participate in developing a case plan does not preclude the  
1598 filing of a petition for dependency or for termination of  
1599 parental rights. The parent, if available, must be provided a  
1600 copy of the case plan and be advised that he or she may, at any  
1601 time before the filing of a petition for termination of parental  
1602 rights, enter into a case plan and that he or she may request  
1603 judicial review of any provision of the case plan with which he  
1604 or she disagrees at any court hearing set for the child.

1605 (2) The case plan must be written simply and clearly in  
1606 English and, if English is not the principal language of the  
1607 child's parent, to the extent possible in the parent's principal  
1608 language. Each case plan must contain:

1609 (a) A description of the identified problem being  
1610 addressed, including the parent's behavior or acts resulting in  
1611 risk to the child and the reason for the intervention by the  
1612 department.

1613 (b) The permanency goal as defined in s. 39.01(51).

1614 (c) If concurrent planning is being used, a description of  
1615 the permanency goal of reunification with the parent or legal  
1616 custodian in addition to a description of one of the remaining  
1617 permanency goals described in s. 39.01(51).

1618 (d) The date the compliance period expires. The case plan  
1619 must be limited to as short a period as possible for  
1620 accomplishing its provisions. The plan's compliance period  
1621 expires no later than 12 months after the date the child was  
1622 initially removed from the home or the date the case plan was  
1623 accepted by the court, whichever occurs sooner.

1624 (e) A written notice to the parent that failure of the

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1625 parent to substantially comply with the case plan may result in  
1626 the termination of parental rights and that a material breach of  
1627 the case plan may result in the filing of a petition for  
1628 termination of parental rights sooner than the compliance period  
1629 set forth in the case plan.

1630 (3) The case plan must be signed by all parties, except  
1631 that the signature of a child may be waived if the child is not  
1632 of an age or capacity to participate in the case planning  
1633 process. Signing the case plan constitutes an acknowledgement  
1634 that the case plan has been developed by the parties and that  
1635 they are in agreement as to the terms and conditions contained  
1636 in the case plan. The refusal of a parent to sign the case plan  
1637 does not prevent the court from accepting the case plan if the  
1638 case plan is otherwise acceptable to the court. Signing the case  
1639 plan does not constitute an admission to any allegation of  
1640 abuse, abandonment, or neglect and does not constitute consent  
1641 to a finding of dependency or termination of parental rights.  
1642 Before signing the case plan, the department shall explain the  
1643 provisions of the plan to all persons involved in its  
1644 implementation, including, when appropriate, the child.

1645 (4) The case plan must describe:

1646 (a) The role of the foster parents or legal custodians  
1647 when developing the services that are to be provided to the  
1648 child, foster parents, or legal custodians.

1649 (b) The minimum number of face-to-face meetings to be held  
1650 each month between the parents and the department's family  
1651 services counselors to review the progress of the plan, to  
1652 eliminate barriers to progress, and to resolve conflicts or

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1653 disagreements.

1654 (c) The parent's responsibility for financial support of  
1655 the child, including, but not limited to, health insurance and  
1656 child support. The case plan must list the costs associated with  
1657 any services or treatment that the parent and child are expected  
1658 to receive which are the financial responsibility of the parent.  
1659 The determination of child support and other financial support  
1660 shall be made independently of any determination of indigency  
1661 under s. 39.013.

1662 (5) When the permanency goal for a child is adoption, the  
1663 case plan must include documentation of the steps the agency is  
1664 taking to find an adoptive family or other permanent living  
1665 arrangement for the child. At a minimum, the documentation shall  
1666 include recruitment efforts that are specific to the child, such  
1667 as the use of state, regional, and national adoption exchanges,  
1668 including electronic exchange systems.

1669 (6) After the case plan has been developed, the department  
1670 shall adhere to the following procedural requirements:

1671 (a) If the parent's substantial compliance with the case  
1672 plan requires the department to provide services to the parents  
1673 or the child and the parents agree to begin compliance with the  
1674 case plan before the case plan's acceptance by the court, the  
1675 department shall make the appropriate referrals for services  
1676 that will allow the parents to immediately begin the agreed upon  
1677 tasks and services.

1678 (b) After the case plan has been agreed upon and signed by  
1679 the parties, a copy of the plan must immediately be given to the  
1680 parties, including the child, if appropriate, and to other

1681 persons as directed by the court.

1682 1. A case plan must be prepared, but need not be submitted  
 1683 to the court, for a child who will be in care no longer than 30  
 1684 days unless that child is placed in out-of-home care a second  
 1685 time within a 12-month period.

1686 2. In each case in which a child has been placed in out-  
 1687 of-home care, a case plan must be prepared within 60 days after  
 1688 the department removes the child from the home and shall be  
 1689 submitted to the court before the disposition hearing for the  
 1690 court to review and approve.

1691 3. After jurisdiction attaches, all case plans must be  
 1692 filed with the court and a copy provided to all the parties  
 1693 whose whereabouts are known not less than 3 business days before  
 1694 the disposition hearing. The department shall file with the  
 1695 court, and provide copies to the parties, all case plans  
 1696 prepared before jurisdiction of the court attached.

1697 (7) The case plan must be filed with the court and copies  
 1698 provided to all parties, including the child, if appropriate,  
 1699 not less than 3 business days before the disposition hearing.

1700 (8) The case plan must describe a process for making  
 1701 available to all physical custodians and family services  
 1702 counselors the information required by s. 39.6012(2) and for  
 1703 ensuring that this information follows the child until  
 1704 permanency has been achieved.

1705 Section 16. Section 39.6012, Florida Statutes, is created  
 1706 to read:

1707 39.6012 Case plan tasks; services.--

1708 (1) The services to be provided to the parent and the

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1709 tasks that must be completed are subject to the following:

1710 (a) The services described in the case plan must be  
1711 designed to improve the conditions in the home and aid in  
1712 maintaining the child in the home, facilitate the child's safe  
1713 return to the home, ensure proper care of the child, or  
1714 facilitate the child's permanent placement. The services offered  
1715 must be the least intrusive possible into the life of the parent  
1716 and child, must focus on clearly defined objectives, and must  
1717 provide the most efficient path to quick reunification or  
1718 permanent placement given the circumstances of the case and the  
1719 child's need for safe and proper care.

1720 (b) The case plan must describe each of the tasks with  
1721 which the parent must comply and the services to be provided to  
1722 the parent, specifically addressing the identified problem,  
1723 including:

1724 1. The type of services or treatment.

1725 2. The date the department will provide each service or  
1726 referral for the service if the service is being provided by the  
1727 department or its agent.

1728 3. The date by which the parent must complete each task.

1729 4. The frequency of services or treatment provided. The  
1730 frequency of the delivery of services or treatment provided  
1731 shall be determined by the professionals providing the services  
1732 or treatment on a case-by-case basis and adjusted according to  
1733 their best professional judgment.

1734 5. The location of the delivery of the services.

1735 6. The staff of the department or service provider  
1736 accountable for the services or treatment.

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1737 7. A description of the measurable objectives, including  
1738 the timeframes specified for achieving the objectives of the  
1739 case plan and addressing the identified problem.

1740 (2) The case plan must include all available information  
1741 relevant to the child's care, including, at a minimum:

1742 (a) A description of the identified needs of the child  
1743 while in care.

1744 (b) A description of the plan for ensuring that the child  
1745 receives safe and proper care and that services are provided to  
1746 the child in order to address the child's needs. To the extent  
1747 available and accessible, the following health, mental health,  
1748 and education information and records of the child must be  
1749 attached to the case plan and updated throughout the judicial  
1750 review process:

1751 1. The names and addresses of the child's health, mental  
1752 health, and education providers.

1753 2. The child's grade-level performance.

1754 3. The child's school record.

1755 4. Assurances that the child's placement takes into  
1756 account proximity to the school in which the child is enrolled  
1757 at the time of placement.

1758 5. A record of the child's immunizations.

1759 6. The child's known medical history, including any known  
1760 problems.

1761 7. The child's medications, if any.

1762 8. Any other relevant health, mental health, and education  
1763 information concerning the child.

1764 (3) In addition to any other requirement, if the child is

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1765 in an out-of-home placement, the case plan must include:  
 1766 (a) A description of the type of placement in which the  
 1767 child is to be living.  
 1768 (b) A description of the parent's visitation rights and  
 1769 obligations and the plan for sibling visitation if the child has  
 1770 siblings and is separated from them.  
 1771 (c) When appropriate, for a child who is 13 years of age  
 1772 or older, a written description of the programs and services  
 1773 that will help the child prepare for the transition from foster  
 1774 care to independent living.  
 1775 (d) A discussion of the safety and the appropriateness of  
 1776 the child's placement, which placement is intended to be safe,  
 1777 the least restrictive and the most family-like setting available  
 1778 consistent with the best interest and special needs of the  
 1779 child, and in as close proximity as possible to the child's  
 1780 home.  
 1781 Section 17. Section 39.6013, Florida Statutes, is created  
 1782 to read:  
 1783 39.6013 Case plan amendments.--  
 1784 (1) After the case plan has been developed under s.  
 1785 39.6011, the tasks and services agreed upon in the plan may not  
 1786 be changed or altered in any way except as provided in this  
 1787 section.  
 1788 (2) The case plan may be amended at any time in order to  
 1789 change the goal of the plan, employ the use of concurrent  
 1790 planning, add or remove tasks the parent must complete to  
 1791 substantially comply with the plan, provide appropriate services  
 1792 for the child, and update the child's health, mental health, and



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1793 education records required by s. 39.6012.

1794 (3) The case plan may be amended upon approval of the  
1795 court if all parties are in agreement regarding the amendments  
1796 to the plan and the amended plan is signed by all parties and  
1797 submitted to the court with a memorandum of explanation.

1798 (4) The case plan may be amended by the court or upon  
1799 motion of any party at any hearing to change the goal of the  
1800 plan, employ the use of concurrent planning, or add or remove  
1801 tasks the parent must complete in order to substantially comply  
1802 with the plan if there is a preponderance of evidence  
1803 demonstrating the need for the amendment. The need to amend the  
1804 case plan may be based on information discovered or  
1805 circumstances arising after the approval of the case plan for:

1806 (a) A previously unaddressed condition that, without  
1807 services, may prevent the child from safely returning to the  
1808 home or may prevent the child from safely remaining in the home;

1809 (b) The child's need for permanency, taking into  
1810 consideration the child's age and developmental needs;

1811 (c) The failure of a party to substantially comply with a  
1812 task in the original case plan, including the ineffectiveness of  
1813 a previously offered service; or

1814 (d) An error or oversight in the case plan.

1815 (5) The case plan may be amended by the court or upon the  
1816 motion of any party at any hearing to provide appropriate  
1817 services to the child if there is competent evidence  
1818 demonstrating the need for the amendment. The reason for  
1819 amending the case plan may be based on information discovered or  
1820 circumstances arising after the approval of the case plan

1821 regarding the provision of safe and proper care to the child.

1822 (6) The case plan is deemed amended as to the child's  
 1823 health, mental health, and education records required by s.  
 1824 39.6012 when the child's updated health, mental health, and  
 1825 education records are filed by the department under s.  
 1826 39.701(7) (a) .

1827 (7) Amendments must include service interventions that are  
 1828 the least intrusive into the life of the parent and child, must  
 1829 focus on clearly defined objectives, and must provide the most  
 1830 efficient path to quick reunification or permanent placement  
 1831 given the circumstances of the case and the child's need for  
 1832 safe and proper care. A copy of the amended plan must  
 1833 immediately be given to the persons identified in s. 39.6011.

1834 Section 18. Subsections (1) and (2) of section 39.603,  
 1835 Florida Statutes, are amended to read:

1836 39.603 Court approvals of case planning.--

1837 (1) All case plans and amendments to case plans must be  
 1838 approved by the court. At the hearing on the case plan, which  
 1839 shall occur in conjunction with the disposition hearing unless  
 1840 otherwise directed by the court, the court shall determine:

1841 (a) All parties who were notified and are in attendance at  
 1842 the hearing, either in person or through a legal representative.  
 1843 The court may appoint a guardian ad litem under Rule 1.210,  
 1844 Florida Rules of Civil Procedure, to represent the interests of  
 1845 any parent, if the location of the parent is known but the  
 1846 parent is not present at the hearing and the development of the  
 1847 plan is based upon the physical, emotional, or mental condition  
 1848 or physical location of the parent.

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1849 (b) If the plan is consistent with previous orders of the  
1850 court placing the child in care.

1851 (c) If the plan is consistent with the requirements for  
1852 the content of a plan as specified in this chapter.

1853 (d) In involuntary placements, whether each parent was  
1854 notified of the right to counsel at each stage of the dependency  
1855 proceedings, in accordance with the Florida Rules of Juvenile  
1856 Procedure.

1857 (e) Whether each parent whose location was known was  
1858 notified of the right to participate in the preparation of a  
1859 case plan and of the right to receive assistance from any other  
1860 person in the preparation of the case plan.

1861 (f) Whether the plan is meaningful and designed to address  
1862 facts and circumstances upon which the court based the finding  
1863 of dependency in involuntary placements or the plan is  
1864 meaningful and designed to address facts and circumstances upon  
1865 which the child was placed in out-of-home care voluntarily.

1866 (2) When the court determines that any of the elements  
1867 considered at the hearing related to the plan have not been met,  
1868 the court shall require the parties to make necessary amendments  
1869 to the plan under s. 39.6013. The amended plan must be submitted  
1870 to the court for review and approval within 30 days after the  
1871 hearing. A copy of the amended plan must also be provided to  
1872 each party, if the location of the party is known, at least 3  
1873 business days before ~~72 hours prior to~~ filing with the court.

1874 Section 19. Section 39.621, Florida Statutes, is amended  
1875 to read:

1876 39.621 Permanency determination by the court.--

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1877           (1) The Legislature finds that time is of the essence for  
1878 permanency of children in the dependency system. A permanency  
1879 hearing must be held no later than 12 months after the date the  
1880 child was removed from the home or no later than 30 days after a  
1881 court determines that reasonable efforts to return a child to  
1882 either parent are not required, whichever occurs first. The  
1883 purpose of the permanency hearing is to determine when the child  
1884 will achieve the permanency goal or whether modifying the  
1885 current goal is in the best interest of the child. A permanency  
1886 hearing must be held at least every 12 months for any child who  
1887 continues to receive supervision from the department or awaits  
1888 adoption. ~~When the court has determined that reunification with~~  
1889 ~~either parent is not appropriate, then the court must make a~~  
1890 ~~permanency determination for the child.~~

1891           (2) The permanency goals available under this chapter are:

1892           (a) Reunification;

1893           (b) Adoption, if a petition for termination of parental  
1894 rights has been or will be filed;

1895           (c) Permanent guardianship of a dependent child under s.  
1896 39.6221;

1897           (d) Permanent placement with a fit and willing relative  
1898 under s. 39.6231; or

1899           (e) Placement in another planned permanent living  
1900 arrangement under s. 39.6241.

1901           (3) (a) At least 3 business days before the permanency  
1902 hearing, the department shall file its judicial review social  
1903 services report with the court and provide copies of the report  
1904 to all parties. The report must include a recommended permanency

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1905 goal for the child, suggest changes to the case plan, if needed,  
 1906 and describe why the recommended goal is in the best interest of  
 1907 the child.

1908 (b) Before the permanency hearing, the department shall  
 1909 advise the child and the individuals with whom the child will be  
 1910 placed about the availability of more permanent and legally  
 1911 secure placements and what type of financial assistance is  
 1912 associated with each placement.

1913 (4) At the permanency hearing, the court shall determine:

1914 (a) Whether the current permanency goal for the child is  
 1915 appropriate or should be changed.

1916 (b) When the child will achieve one of the permanency  
 1917 goals.

1918 (c) Whether the department has made reasonable efforts to  
 1919 finalize the permanency plan currently in effect.

1920 (5) The best interest of the child is the primary  
 1921 consideration in determining the permanency goal for the child.

1922 The court must also consider:

1923 (a) The reasonable preference of the child if the court  
 1924 has found the child to be of sufficient intelligence,  
 1925 understanding, and experience to express a preference.

1926 (b) Any recommendation of the guardian ad litem.

1927 (6) (a) ~~(2)~~ If a child will not be reunited with a parent,  
 1928 adoption, ~~under pursuant to~~ chapter 63, is the primary  
 1929 permanency option ~~available to the court~~. If the child is placed  
 1930 with a relative or with a relative of the child's half-brother  
 1931 or half-sister as a permanency option, the court ~~may shall~~  
 1932 recognize the permanency of this placement without requiring the

1933 relative to adopt the child.

1934 (b) If the court approves a permanency goal of permanent  
 1935 guardianship of a dependent child, placement with a fit and  
 1936 willing relative, or another planned permanent living  
 1937 arrangement, the court shall make findings as to why this  
 1938 permanent placement is established without adoption of the child  
 1939 to follow. If the court approves a permanency goal of another  
 1940 planned permanent living arrangement, the court shall document  
 1941 the compelling reasons for choosing this goal.

1942 (7) The findings of the court regarding reasonable efforts  
 1943 to finalize the permanency plan must be explicitly documented,  
 1944 made on a case-by-case basis, and stated in the court order.

1945 (8) The case plan must list the tasks necessary to  
 1946 finalize the permanency placement and shall be updated at the  
 1947 permanency hearing if necessary. If a concurrent case plan is in  
 1948 place, the court may choose between the permanency goal options  
 1949 presented and shall approve the goal that is in the child's best  
 1950 interest.

1951 (9) The permanency placement is intended to continue until  
 1952 the child reaches the age of majority and may not be disturbed  
 1953 absent a finding by the court that the circumstances of the  
 1954 permanency placement are no longer in the best interest of the  
 1955 child. If a parent who has not had his or her parental rights  
 1956 terminated makes a motion for reunification or increased contact  
 1957 with the child, the court shall hold a hearing to determine  
 1958 whether the dependency case should be reopened and whether there  
 1959 should be a modification of the order. At the hearing, the  
 1960 parent must demonstrate that the safety, well-being, and

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1961 physical, mental, and emotional health of the child is not  
 1962 endangered by the modification.

1963 (10) The court shall base its decision concerning any  
 1964 motion by a parent for reunification or increased contact with a  
 1965 child on the effect of the decision on the safety, well-being,  
 1966 and physical and emotional health of the child. Factors that  
 1967 must be considered and addressed in the findings of fact of the  
 1968 order on the motion must include:

1969 (a) The compliance or noncompliance of the parent with the  
 1970 case plan.

1971 (b) The circumstances which caused the child's dependency  
 1972 and whether those circumstances have been resolved.

1973 (c) The stability and longevity of the child's placement;

1974 (d) The preferences of the child, if the child is of  
 1975 sufficient age and understanding to express a preference;

1976 (e) The recommendation of the current custodian.

1977 (f) The recommendation of the guardian ad litem, if one  
 1978 has been appointed.

1979 ~~(3) The permanency options listed in the following~~  
 1980 ~~paragraphs shall only be considered by the court if adoption is~~  
 1981 ~~determined by the court to not be in the child's best interest,~~  
 1982 ~~except as otherwise provided in subsection (2):~~

1983 ~~(a) Guardianship pursuant to chapter 744.~~

1984 ~~(b) Long term custody.~~

1985 ~~(c) Long term licensed custody.~~

1986 ~~(d) Independent living.~~

1987  
 1988 ~~The permanency placement is intended to continue until the child~~

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1989 ~~reaches the age of majority and shall not be disturbed absent a~~  
 1990 ~~finding by the court that the circumstances of the permanency~~  
 1991 ~~placement are no longer in the best interest of the child.~~

1992 Section 20. Section 39.6221, Florida Statutes, is created  
 1993 to read:

1994 39.6221 Permanent guardianship of a dependent child.--

1995 (1) If a court determines that reunification or adoption  
 1996 is not in the best interest of the child, the court may place  
 1997 the child in a permanent guardianship with a relative or other  
 1998 adult approved by the court if all of the following conditions  
 1999 are met:

2000 (a) The child has been in the placement for not less than  
 2001 the preceding 6 months.

2002 (b) The permanent guardian is suitable and able to provide  
 2003 a safe and permanent home for the child.

2004 (c) The court determines that the child and the relative  
 2005 or other adult are not likely to need supervision or services of  
 2006 the department to ensure the stability of the permanent  
 2007 guardianship.

2008 (d) The permanent guardian has made a commitment to  
 2009 provide for the child until the child reaches the age of  
 2010 majority and to prepare the child for adulthood and  
 2011 independence.

2012 (e) The permanent guardian agrees to give notice of any  
 2013 change in his or her residential address or the residence of the  
 2014 child by filing a written document in the dependency file of the  
 2015 child with the clerk of the court.

2016 (2) In its written order establishing a permanent



2017 guardianship, the court shall:

2018 (a) List the circumstances or reasons the child's parents  
 2019 are not fit to care for the child and why reunification is not  
 2020 possible by referring to specific findings of fact made in its  
 2021 order adjudicating the child dependent or by making separate  
 2022 findings of fact.

2023 (b) State the reasons a permanent guardianship is being  
 2024 established instead of adoption.

2025 (c) Specify the frequency and nature of visitation or  
 2026 contact between the child and his or her parents.

2027 (d) Specify the frequency and nature of visitation or  
 2028 contact between the child and his or her grandparents, under s.  
 2029 39.509.

2030 (e) Specify the frequency and nature of visitation or  
 2031 contact between the child and his or her siblings.

2032 (f) Require that the permanent guardian not return the  
 2033 child to the physical care and custody of the person from whom  
 2034 the child was removed without the approval of the court.

2035 (g) List the powers and duties of the permanent guardian  
 2036 which shall include the rights and duties of a parent,  
 2037 including, but not limited to:

2038 1. The right to physical and legal custody of the child.

2039 2. The right and duty to protect, nurture, guide, and  
 2040 discipline the child.

2041 3. The right and duty to provide the child with food,  
 2042 shelter, and education.

2043 4. The right and duty to provide the child with ordinary  
 2044 medical, dental, psychiatric, and psychological care, unless

2045 these rights and duties are otherwise enlarged or limited by  
 2046 court order.

2047 (3) The court shall give the permanent guardian a separate  
 2048 order establishing the authority of the permanent guardian to  
 2049 care for the child, specifying what powers and duties listed in  
 2050 paragraph (2) (g) belong to the permanent guardian, and providing  
 2051 any other information the court deems proper which can be  
 2052 provided to persons who are not parties to the proceeding as  
 2053 necessary, notwithstanding the confidentiality provisions of s.  
 2054 39.202.

2055 (4) A permanent guardianship of a dependent child  
 2056 established under this chapter is not a plenary guardianship and  
 2057 is not subject to the requirements of chapter 744.

2058 (5) The court shall retain jurisdiction over the case and  
 2059 the child shall remain in the custody of the permanent guardian  
 2060 unless the order creating the permanent guardianship is modified  
 2061 by the court. The court shall discontinue regular review  
 2062 hearings and relieve the department of the responsibility for  
 2063 supervising the placement of the child. Notwithstanding the  
 2064 retention of jurisdiction, the placement shall be considered  
 2065 permanency for the child.

2066 (6) Placement of a child in a permanent guardianship does  
 2067 not terminate the parent-child relationship, including:

2068 (a) The right of the child to inherit from his or her  
 2069 parents.

2070 (b) The parents' right to consent to the child's adoption.

2071 (c) The parents' responsibility to provide financial,  
 2072 medical, and other support for the child as ordered by the

2073 court.

2074 Section 21. Section 39.6231, Florida Statutes, is created  
2075 to read:

2076 39.6231 Permanent placement with a fit and willing  
2077 relative.--

2078 (1) If a court finds that reunification or adoption are  
2079 not in the best interest of a child, the court may place the  
2080 child with a fit and willing relative as a permanency option if:

2081 (a) The child has been in the placement for at least the  
2082 preceding 6 months.

2083 (b) The relative has made a commitment to provide for the  
2084 child until the child reaches the age of majority and to prepare  
2085 the child for adulthood and independence.

2086 (c) The relative is suitable and able to provide a safe  
2087 and permanent home for the child.

2088 (d) The relative agrees to give notice of any change in  
2089 his or her residence or the residence of the child by filing a  
2090 written document with the clerk of court.

2091 (2) The department and the guardian ad litem shall provide  
2092 the court with a recommended list and description of services  
2093 needed by the child and the family in order to ensure the  
2094 permanency of the placement.

2095 (3) In its written order placing the child with a fit and  
2096 willing relative, the court shall:

2097 (a) List the circumstances or reasons reunification is not  
2098 possible by referring to specific findings of fact made in its  
2099 order adjudicating the child dependent or by making separate  
2100 findings of fact.

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2101 (b) State the reasons permanent placement with a fit and  
 2102 willing relative is being established instead of adoption;

2103 (c) Specify the frequency and nature of visitation or  
 2104 contact between the child and his or her parents.

2105 (d) Specify the frequency and nature of visitation or  
 2106 contact between the child and his or her grandparents, under s.  
 2107 39.509.

2108 (e) Specify the frequency and nature of visitation or  
 2109 contact between the child and his or her siblings.

2110 (f) Require that the relative not return the child to the  
 2111 physical care and custody of the person from whom the child was  
 2112 removed without the approval of the court.

2113 (4) The court shall give the relative a separate order  
 2114 establishing his or her authority to care for the child and  
 2115 providing other information the court deems proper which can be  
 2116 provided to entities and individuals who are not parties to the  
 2117 proceeding as necessary, notwithstanding the confidentiality of  
 2118 s. 39.202.

2119 (5) The department shall continue to supervise the  
 2120 placement with the relative until further court order. The court  
 2121 shall continue to review the placement at least once every 6  
 2122 months.

2123 (6) Each party to the proceeding must be advised by the  
 2124 department and the court that placement with a fit and willing  
 2125 relative does not preclude the possibility of the child  
 2126 returning to the custody of the parent.

2127 (7) The court shall continue to conduct permanency  
 2128 hearings in order to reevaluate the possibility of adoption or

2129 permanent guardianship of the child.

2130 Section 22. Section 39.6241, Florida Statutes, is created  
2131 to read:

2132 39.6241 Another planned permanent living arrangement.--

2133 (1) If a court finds that reunification is not in the best  
2134 interest of a child, the court may approve placement of the  
2135 child in another planned permanent living arrangement if:

2136 (a) The court finds a more permanent placement, such as  
2137 adoption, permanent guardianship, or placement with a fit and  
2138 willing relative, is not in the best interest of the child.

2139 (b) The department documents reasons the placement will  
2140 endure and how the proposed arrangement will be more stable and  
2141 secure than ordinary foster care.

2142 (c) The court finds that the health, safety, and well-  
2143 being of the child will not be jeopardized by such an  
2144 arrangement.

2145 (d) There are compelling reasons to show that another  
2146 placement is the most appropriate permanency goal. Compelling  
2147 reasons for another placement may include, but are not limited  
2148 to:

2149 1. The case of a parent and child who have a significant  
2150 bond but the parent is unable to care for the child because of  
2151 an emotional or physical disability and the child's foster  
2152 parents have committed to raising him or her to the age of  
2153 majority and to facilitate visitation with the disabled parent;

2154 2. The case of a child for whom an Indian tribe has  
2155 identified another planned permanent living arrangement for the  
2156 child; or

2157           3. The case of a foster child who is 16 years of age or  
 2158 older who chooses to remain in foster care and the child's  
 2159 foster parents are willing to care for the child until the child  
 2160 reaches 18 years of age.

2161           (2) The department and the guardian ad litem must provide  
 2162 the court with a recommended list and description of services  
 2163 needed by the child, such as independent living services and  
 2164 medical, dental, educational, or psychological referrals, and a  
 2165 recommended list and description of services needed by his or  
 2166 her caregiver.

2167           Section 23. Paragraphs (a) and (c) of subsection (7),  
 2168 paragraph (g) of subsection (8), and subsection (9) of section  
 2169 39.701, Florida Statutes, are amended, and paragraph (k) is  
 2170 added to subsection (8) of that section, to read:

2171           39.701 Judicial review.--

2172           (7) (a) Before ~~Prior~~ to every judicial review hearing or  
 2173 citizen review panel hearing, the social service agency shall  
 2174 make an investigation and social study concerning all pertinent  
 2175 details relating to the child and shall furnish to the court or  
 2176 citizen review panel a written report that includes, but is not  
 2177 limited to:

2178           1. A description of the type of placement the child is in  
 2179 at the time of the hearing, including the safety of the child  
 2180 and the continuing necessity for and appropriateness of the  
 2181 placement.

2182           2. Documentation of the diligent efforts made by all  
 2183 parties to the case plan to comply with each applicable  
 2184 provision of the plan.

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- 2185           3. The amount of fees assessed and collected during the  
 2186 period of time being reported.
- 2187           4. The services provided to the foster family or legal  
 2188 custodian in an effort to address the needs of the child as  
 2189 indicated in the case plan.
- 2190           5. A statement that either:
- 2191           a. The parent, though able to do so, did not comply  
 2192 substantially with the ~~provisions of the~~ case plan, and the  
 2193 agency recommendations;
- 2194           b. The parent did substantially comply with the ~~provisions~~  
 2195 ~~of the~~ case plan; or
- 2196           c. The parent has partially complied with the ~~provisions~~  
 2197 ~~of the~~ case plan, with a summary of additional progress needed  
 2198 and the agency recommendations.
- 2199           6. A statement from the foster parent or legal custodian  
 2200 providing any material evidence concerning the return of the  
 2201 child to the parent or parents.
- 2202           7. A statement concerning the frequency, duration, and  
 2203 results of the parent-child visitation, if any, and the agency  
 2204 recommendations for an expansion or restriction of future  
 2205 visitation.
- 2206           8. The number of times a child has been removed from his  
 2207 or her home and placed elsewhere, the number and types of  
 2208 placements that have occurred, and the reason for the changes in  
 2209 placement.
- 2210           9. The number of times a child's educational placement has  
 2211 been changed, the number and types of educational placements  
 2212 which have occurred, and the reason for any change in placement.

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2213 10. If the child has reached 13 years of age but is not  
 2214 yet 18 years of age, the results of the preindependent living,  
 2215 life skills, or independent living assessment; the specific  
 2216 services needed; and the status of the delivery of the  
 2217 identified services.

2218 11. Copies of all medical, psychological, and educational  
 2219 records that support the terms of the case plan and that have  
 2220 been produced concerning the ~~child~~, parents, or any caregiver  
 2221 since the last judicial review hearing.

2222 12. Copies of the child's current health, mental health,  
 2223 and education records as identified in s. 39.6012.

2224 (c) In a case in which the child has been permanently  
 2225 placed with the social service agency, the agency shall furnish  
 2226 to the court a written report concerning the progress being made  
 2227 to place the child for adoption. If the child cannot be placed  
 2228 for adoption, a report on the progress made by the child towards  
 2229 alternative permanency goals or placements, including, but not  
 2230 limited to, guardianship, permanent guardianship under s.  
 2231 39.6221, permanent placement under s. 39.6231 ~~long term custody,~~  
 2232 ~~long term licensed custody,~~ or independent living, must be  
 2233 submitted to the court. The report must be submitted to the  
 2234 court at least 72 hours before each scheduled judicial review.

2235 (8) The court and any citizen review panel shall take into  
 2236 consideration the information contained in the social services  
 2237 study and investigation and all medical, psychological, and  
 2238 educational records that support the terms of the case plan;  
 2239 testimony by the social services agency, the parent, the foster  
 2240 parent or legal custodian, the guardian ad litem if one has been



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2241 appointed for the child, and any other person deemed  
 2242 appropriate; and any relevant and material evidence submitted to  
 2243 the court, including written and oral reports to the extent of  
 2244 their probative value. These reports and evidence may be  
 2245 received by the court in its effort to determine the action to  
 2246 be taken with regard to the child and may be relied upon to the  
 2247 extent of their probative value, even though not competent in an  
 2248 adjudicatory hearing. In its deliberations, the court and any  
 2249 citizen review panel shall seek to determine:

2250 (g) Whether the child is receiving safe and proper care  
 2251 according to s. 39.6012, including, but not limited to, the  
 2252 appropriateness of the child's current placement, including  
 2253 whether the child is in a setting ~~that~~ ~~which~~ is as family-like  
 2254 and as close to the parent's home as possible, consistent with  
 2255 the child's best interests and special needs, and including  
 2256 maintaining stability in the child's educational placement.

2257 (k) If amendments to the case plan are required.  
 2258 Amendments to the case plan must be made under s. 39.6013.

2259 (9) (a) Based upon the criteria set forth in subsection (8)  
 2260 and the recommended order of the citizen review panel, if any,  
 2261 the court shall determine whether or not the social service  
 2262 agency shall initiate proceedings to have a child declared a  
 2263 dependent child, return the child to the parent, continue the  
 2264 child in out-of-home care for a specified period of time, or  
 2265 initiate termination of parental rights proceedings for  
 2266 subsequent placement in an adoptive home. Amendments  
 2267 ~~Modifications~~ to the case plan must be prepared ~~handled~~ as  
 2268 prescribed in s. 39.6013 ~~s. 39.601~~. If the court finds that the

2269 prevention or reunification efforts of the department will allow  
 2270 the child to remain safely at home or be safely returned to the  
 2271 home, the court shall allow the child to remain in or return to  
 2272 the home after making a specific finding of fact that the  
 2273 reasons for the creation of the case plan have been remedied to  
 2274 the extent that the child's safety, well-being, and physical,  
 2275 mental, and emotional health will not be endangered.

2276 (b) The court shall return the child to the custody of the  
 2277 parents at any time it determines that they have substantially  
 2278 complied with the case plan, if the court is satisfied that  
 2279 reunification will not be detrimental to the child's safety,  
 2280 well-being, and physical, mental, and emotional health.

2281 (c) If, in the opinion of the court, the social service  
 2282 agency has not complied with its obligations as specified in the  
 2283 written case plan, the court may find the social service agency  
 2284 in contempt, shall order the social service agency to submit its  
 2285 plans for compliance with the agreement, and shall require the  
 2286 social service agency to show why the child could not safely be  
 2287 returned to the home of the parents.

2288 ~~(d) The court may extend the time limitation of the case~~  
 2289 ~~plan, or may modify the terms of the plan, based upon~~  
 2290 ~~information provided by the social service agency, and the~~  
 2291 ~~guardian ad litem, if one has been appointed, the parent or~~  
 2292 ~~parents, and the foster parents or legal custodian, and any~~  
 2293 ~~other competent information on record demonstrating the need for~~  
 2294 ~~the amendment. If the court extends the time limitation of the~~  
 2295 ~~case plan, the court must make specific findings concerning the~~  
 2296 ~~frequency of past parent child visitation, if any, and the court~~

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2297 ~~may authorize the expansion or restriction of future visitation.~~  
 2298 ~~Modifications to the plan must be handled as prescribed in s.~~  
 2299 ~~39.601. Any extension of a case plan must comply with the time~~  
 2300 ~~requirements and other requirements specified by this chapter.~~

2301 (d)~~(e)~~ If, at any judicial review, the court finds that  
 2302 the parents have failed to substantially comply with the case  
 2303 plan to the degree that further reunification efforts are  
 2304 without merit and not in the best interest of the child, on its  
 2305 own motion, the court ~~it~~ may order ~~authorize~~ the filing of a  
 2306 petition for termination of parental rights, whether or not the  
 2307 time period as contained in the case plan for substantial  
 2308 compliance has expired ~~elapsed~~.

2309 (e)~~(f)~~ No later than 6 ~~12~~ months after the date that the  
 2310 child was placed in shelter care, the court shall conduct a  
 2311 judicial review hearing to review ~~plan for~~ the child's  
 2312 permanency goal as identified in the case plan. At the hearing,  
 2313 the court shall make findings regarding the likelihood of the  
 2314 child's reunification with the parent or legal custodian within  
 2315 12 months after the removal of the child from the home. If, at  
 2316 this hearing, the court makes a written finding that it is not  
 2317 likely that the child will be reunified with the parent or legal  
 2318 custodian within 12 months after the child was removed from the  
 2319 home, the department must file with the court and serve on all  
 2320 parties a motion to amend the case plan under s. 39.6013 and  
 2321 declare that it will use concurrent planning for the case plan.  
 2322 The department must file the motion no later than 10 business  
 2323 days after receiving the written finding of the court. The  
 2324 department must attach the proposed amended case plan to the

2325 motion. If concurrent planning is already being used, the case  
 2326 plan must document the efforts the department is taking to  
 2327 complete the concurrent goal. ~~At this hearing, if the child is~~  
 2328 ~~not returned to the physical custody of the parents, the case~~  
 2329 ~~plan may be extended with the same goals only if the court finds~~  
 2330 ~~that the situation of the child is so extraordinary that the~~  
 2331 ~~plan should be extended. The case plan must document steps the~~  
 2332 ~~department is taking to find an adoptive parent or other~~  
 2333 ~~permanent living arrangement for the child.~~

2334 (f)~~(g)~~ The court may issue a protective order in  
 2335 assistance, or as a condition, of any other order made under  
 2336 this part. In addition to the requirements included in the case  
 2337 plan, the protective order may set forth requirements relating  
 2338 to reasonable conditions of behavior to be observed for a  
 2339 specified period of time by a person or agency who is before the  
 2340 court; and the ~~such~~ order may require any ~~such~~ person or agency  
 2341 to make periodic reports to the court containing such  
 2342 information as the court in its discretion may prescribe.

2343 Section 24. Section 39.703, Florida Statutes, is amended  
 2344 to read:

2345 39.703 Initiation of termination of parental rights  
 2346 proceedings; judicial review.--

2347 (1) If, in preparation for a ~~any~~ judicial review hearing  
 2348 under this chapter, it is the opinion of the social service  
 2349 agency that the parents of the child have not complied with  
 2350 their responsibilities as specified in the written case plan  
 2351 although able to do so, the department shall state its intent to  
 2352 initiate proceedings to terminate parental rights, unless the

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2353 social service agency can demonstrate to the court that such a  
2354 recommendation would not be in the child's best interests. If it  
2355 is the intent of the department to initiate proceedings to  
2356 terminate parental rights, the department shall file a petition  
2357 for termination of parental rights no later than 3 months after  
2358 the date of the previous judicial review hearing. If the  
2359 petition cannot be filed within 3 months, the department shall  
2360 provide a written report to the court outlining the reasons for  
2361 delay, the progress made in the termination of parental rights  
2362 process, and the anticipated date of completion of the process.

2363 (2) If, at the time of the 12-month judicial review  
2364 hearing, a child is not returned to the physical custody of the  
2365 parents, the department shall file a petition to terminate  
2366 parental rights. The court shall set an advisory hearing at the  
2367 judicial review hearing if an advisory hearing has not  
2368 previously been set. ~~initiate termination of parental rights~~  
2369 ~~proceedings under this chapter within 30 days. Only if the court~~  
2370 ~~finds that the situation of the child is so extraordinary and~~  
2371 ~~that the best interests of the child will be met by such action~~  
2372 ~~at the time of the judicial review may the case plan be~~  
2373 ~~extended. If the court decides to extend the plan, the court~~  
2374 ~~shall enter detailed findings justifying the decision to extend,~~  
2375 ~~as well as the length of the extension. A termination of~~  
2376 ~~parental rights petition need not be filed if: the child is~~  
2377 ~~being cared for by a relative who chooses not to adopt the child~~  
2378 ~~but who is willing, able, and suitable to serve as the legal~~  
2379 ~~eustodian for the child until the child reaches 18 years of age,~~  
2380 ~~the court determines that filing such a petition would not be in~~

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2381 ~~the best interests of the child; or the state has not provided~~  
2382 ~~the child's parent, when reasonable efforts to return a child~~  
2383 ~~are required, consistent with the time period in the state's~~  
2384 ~~ease plan, such services as the state deems necessary for the~~  
2385 ~~safe return of the child to his or her home. Failure to initiate~~  
2386 ~~termination of parental rights proceedings at the time of the~~  
2387 ~~12 month judicial review or within 30 days after such review~~  
2388 ~~does not prohibit initiating termination of parental rights~~  
2389 ~~proceedings at any other time.~~

2390 (3) Notwithstanding subsection (2), the department may  
2391 choose to not file or join in a petition to terminate the  
2392 parental rights of a parent under subsection (2) if:

2393 (a) The child is being cared for by a relative under s.  
2394 39.6231;

2395 (b) The department has documented in the report to the  
2396 court a compelling reason for determining that filing such a  
2397 petition would not be in the best interest of the child.

2398 Compelling reasons for not filing or joining a petition to  
2399 terminate parental rights may include, but are not limited to:

2400 1. Adoption is not the appropriate permanency goal for the  
2401 child;

2402 2. No grounds to file a petition to terminate parental  
2403 rights exist;

2404 3. The child is an unaccompanied refugee minor as defined  
2405 in 45 C.F.R. 400.111;

2406 4. There are international legal obligations or compelling  
2407 reasons relating to foreign policy that would preclude  
2408 terminating parental rights; or

2409           5. The department has not provided to the family,  
 2410 consistent with the time period in the case plan, services that  
 2411 the department deems necessary for the safe return of the child  
 2412 to the home.

2413           (4) Upon good cause shown by any party or on its own  
 2414 motion, the court may review the determination by the department  
 2415 that compelling reasons exist for not filing a petition for  
 2416 termination of parental rights.

2417           Section 25. Subsections (1) and (2) of section 39.806,  
 2418 Florida Statutes, are amended to read:

2419           39.806 Grounds for termination of parental rights.--

2420           ~~(1) The department, the guardian ad litem, or any person~~  
 2421 ~~who has knowledge of the facts alleged or who is informed of~~  
 2422 ~~those facts and believes that they are true may petition~~ Grounds  
 2423 for the termination of parental rights may be established under  
 2424 any of the following circumstances:

2425           (a) When the parent or parents have voluntarily executed a  
 2426 written surrender of the child and consented to the entry of an  
 2427 order giving custody of the child to the department for  
 2428 subsequent adoption and the department is willing to accept  
 2429 custody of the child.

2430           1. The surrender document must be executed before two  
 2431 witnesses and a notary public or other person authorized to take  
 2432 acknowledgments.

2433           2. The surrender and consent may be withdrawn after  
 2434 acceptance by the department only after a finding by the court  
 2435 that the surrender and consent were obtained by fraud or under  
 2436 duress.

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2437 (b) Abandonment as defined in s. 39.01(1) or when the  
2438 identity or location of the parent or parents is unknown and  
2439 cannot be ascertained by diligent search within 60 days.

2440 (c) When the parent or parents engaged in conduct toward  
2441 the child or toward other children that demonstrates that the  
2442 continuing involvement of the parent or parents in the parent-  
2443 child relationship threatens the life, safety, well-being, or  
2444 physical, mental, or emotional health of the child irrespective  
2445 of the provision of services. Provision of services may be  
2446 evidenced by proof that services were provided through a  
2447 previous plan or offered as a case plan from a child welfare  
2448 agency.

2449 (d) When the parent of a child is incarcerated in a state  
2450 or federal correctional institution and either:

2451 1. The period of time for which the parent is expected to  
2452 be incarcerated will constitute a substantial portion of the  
2453 period of time before the child will attain the age of 18 years;

2454 2. The incarcerated parent has been determined by the  
2455 court to be a violent career criminal as defined in s. 775.084,  
2456 a habitual violent felony offender as defined in s. 775.084, or  
2457 a sexual predator as defined in s. 775.21; has been convicted of  
2458 first degree or second degree murder in violation of s. 782.04  
2459 or a sexual battery that constitutes a capital, life, or first  
2460 degree felony violation of s. 794.011; or has been convicted of  
2461 an offense in another jurisdiction which is substantially  
2462 similar to one of the offenses listed in this paragraph. As used  
2463 in this section, the term "substantially similar offense" means  
2464 any offense that is substantially similar in elements and



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2465 penalties to one of those listed in this subparagraph, and that  
 2466 is in violation of a law of any other jurisdiction, whether that  
 2467 of another state, the District of Columbia, the United States or  
 2468 any possession or territory thereof, or any foreign  
 2469 jurisdiction; or

2470 3. The court determines by clear and convincing evidence  
 2471 that continuing the parental relationship with the incarcerated  
 2472 parent would be harmful to the child and, for this reason, that  
 2473 termination of the parental rights of the incarcerated parent is  
 2474 in the best interest of the child.

2475 (e) ~~A petition for termination of parental rights may also~~  
 2476 ~~be filed~~ When a child has been adjudicated dependent, a case  
 2477 plan has been filed with the court, and:

2478 1. The child continues to be abused, neglected, or  
 2479 abandoned by the parents. In this case, the failure of the  
 2480 parents to substantially comply for a period of 12 months after  
 2481 an adjudication of the child as a dependent child or the child's  
 2482 placement into shelter care, whichever came first, constitutes  
 2483 evidence of continuing abuse, neglect, or abandonment unless the  
 2484 failure to substantially comply with the case plan was due  
 2485 either to the lack of financial resources of the parents or to  
 2486 the failure of the department to make reasonable efforts to  
 2487 reunify the parent and child. The ~~Such~~ 12-month period begins  
 2488 ~~may begin~~ to run only after the child's placement into shelter  
 2489 care or the entry of a disposition order placing the custody of  
 2490 the child with the department or a person other than the parent  
 2491 and the approval by the court of a case plan with a goal of  
 2492 reunification with the parent, whichever came first; or

2493           2. The parent has materially breached the case plan by  
 2494 making it unlikely that he or she will be able to substantially  
 2495 comply with the case plan before the time for compliance  
 2496 expires. Because time is of the essence for permanency of  
 2497 children in the dependency system and, thus, in order to prove  
 2498 the parent has materially breached the case plan, the court must  
 2499 find by clear and convincing evidence that the parent is  
 2500 unlikely or unable to substantially comply with the case plan  
 2501 before time expires to comply with the case plan.

2502           (f) When the parent or parents engaged in egregious  
 2503 conduct or had the opportunity and capability to prevent and  
 2504 knowingly failed to prevent egregious conduct that threatens the  
 2505 life, safety, or physical, mental, or emotional health of the  
 2506 child or the child's sibling.

2507           1. As used in this subsection, the term "sibling" means  
 2508 another child who resides with or is cared for by the parent or  
 2509 parents regardless of whether the child is related legally or by  
 2510 consanguinity.

2511           2. As used in this subsection, the term "egregious  
 2512 conduct" means abuse, abandonment, neglect, or any other conduct  
 2513 of the parent or parents that is deplorable, flagrant, or  
 2514 outrageous by a normal standard of conduct. Egregious conduct  
 2515 may include an act or omission that occurred only once but was  
 2516 of such intensity, magnitude, or severity as to endanger the  
 2517 life of the child.

2518           (g) When the parent or parents have subjected the child to  
 2519 aggravated child abuse as defined in s. 827.03, sexual battery  
 2520 or sexual abuse as defined in s. 39.01, or chronic abuse.

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2521 (h) When the parent or parents have committed murder or  
 2522 voluntary manslaughter of another child, or a felony assault  
 2523 that results in serious bodily injury to the child or another  
 2524 child, or aided or abetted, attempted, conspired, or solicited  
 2525 to commit such a murder or voluntary manslaughter or felony  
 2526 assault.

2527 (i) When the parental rights of the parent to a sibling  
 2528 have been terminated involuntarily.

2529 (2) Reasonable efforts to preserve and reunify families  
 2530 are ~~shall~~ not ~~be~~ required if a court of competent jurisdiction  
 2531 has determined that any of the events described in paragraphs  
 2532 (1)(e)-(i) have occurred.

2533 Section 26. Subsection (1) of section 39.810, Florida  
 2534 Statutes, is amended to read:

2535 39.810 Manifest best interests of the child.--In a hearing  
 2536 on a petition for termination of parental rights, the court  
 2537 shall consider the manifest best interests of the child. This  
 2538 consideration shall not include a comparison between the  
 2539 attributes of the parents and those of any persons providing a  
 2540 present or potential placement for the child. For the purpose of  
 2541 determining the manifest best interests of the child, the court  
 2542 shall consider and evaluate all relevant factors, including, but  
 2543 not limited to:

2544 (1) Any suitable permanent custody arrangement with a  
 2545 relative of the child. However, the availability of a  
 2546 nonadoptive placement with a relative may not receive greater  
 2547 consideration than any other factor weighing on the manifest  
 2548 best interest of the child and may not be considered as a factor

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2549 weighing against termination of parental rights. If a child has  
 2550 been in a stable or preadoptive placement for not less than 6  
 2551 months, the availability of a different placement, including a  
 2552 placement with a relative, may not be considered as a ground to  
 2553 deny the termination of parental rights.

2554 Section 27. Subsection (4) of section 39.811, Florida  
 2555 Statutes, is amended to read:

2556 39.811 Powers of disposition; order of disposition.--

2557 (4) If the child is neither in the custody of the  
 2558 department nor in the custody of a parent and the court finds  
 2559 that the grounds for termination of parental rights have been  
 2560 established for either or both parents, the court shall enter an  
 2561 order terminating parental rights for the parent or parents for  
 2562 whom the grounds for termination have been established and  
 2563 placing the child with the department or an appropriate legal  
 2564 custodian. If the parental rights of both parents have been  
 2565 terminated, or if the parental rights of only one parent have  
 2566 been terminated and the court makes specific findings based on  
 2567 evidence presented that placement with the remaining parent is  
 2568 likely to be harmful to the child, the court may order that the  
 2569 child be placed with a legal custodian other than the department  
 2570 after hearing evidence of the suitability of the ~~such~~ intended  
 2571 placement. Suitability of the intended placement includes the  
 2572 fitness and capabilities of the proposed legal custodian to  
 2573 function as the primary caregiver for a particular child; and  
 2574 the compatibility of the child with the home in which the child  
 2575 is intended to be placed. If the court orders that a child be  
 2576 placed with a legal custodian under this subsection, the court

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2577 shall appoint a such legal custodian ~~either~~ as the guardian for  
 2578 the child as provided in s. 744.3021 or s. 39.621 ~~or as the~~  
 2579 ~~long term custodian of the child as provided in s. 39.622 so~~  
 2580 ~~long as the child has been residing with the legal custodian for~~  
 2581 ~~a minimum of 6 months.~~ The court may modify the order placing  
 2582 the child in the custody of the legal custodian and revoke the  
 2583 guardianship established under s. 744.3021 or another ~~the long-~~  
 2584 ~~term custodial~~ relationship if the court subsequently finds the  
 2585 placement to be no longer in the best interest of the child.

2586 Section 28. Paragraph (b) of subsection (3) of section  
 2587 39.0015, Florida Statutes, is amended to read:

2588 39.0015 Child abuse prevention training in the district  
 2589 school system.--

2590 (3) DEFINITIONS.--As used in this section:

2591 (b) "Child abuse" means those acts as defined in ss.  
 2592 39.01(1), (2), (32), (42), (44), (55) ~~(30), (43), (45), (52),~~  
 2593 and (66) ~~(63)~~, 827.04, and 984.03(1), (2), and (37).

2594 Section 29. Subsection (5) of section 39.205, Florida  
 2595 Statutes, is amended to read:

2596 39.205 Penalties relating to reporting of child abuse,  
 2597 abandonment, or neglect.--

2598 (5) If the department or its authorized agent has  
 2599 determined after its investigation that a report is false, the  
 2600 department shall, with the consent of the alleged perpetrator,  
 2601 refer the report to the local law enforcement agency having  
 2602 jurisdiction for an investigation to determine whether  
 2603 sufficient evidence exists to refer the case for prosecution for  
 2604 filing a false report as defined in s. 39.01(28) ~~s. 39.01(27)~~.

2605 During the pendency of the investigation by the local law  
 2606 enforcement agency, the department must notify the local law  
 2607 enforcement agency of, and the local law enforcement agency must  
 2608 respond to, all subsequent reports concerning children in that  
 2609 same family in accordance with s. 39.301. If the law enforcement  
 2610 agency believes that there are indicators of abuse, abandonment,  
 2611 or neglect, it must immediately notify the department, which  
 2612 must assure the safety of the children. If the law enforcement  
 2613 agency finds sufficient evidence for prosecution for filing a  
 2614 false report, it must refer the case to the appropriate state  
 2615 attorney for prosecution.

2616 Section 30. Subsection (1) of section 39.302, Florida  
 2617 Statutes, is amended to read:

2618 39.302 Protective investigations of institutional child  
 2619 abuse, abandonment, or neglect.--

2620 (1) The department shall conduct a child protective  
 2621 investigation of each report of institutional child abuse,  
 2622 abandonment, or neglect. Upon receipt of a report that alleges  
 2623 that an employee or agent of the department, or any other entity  
 2624 or person covered by s. 39.01(33) or (46) ~~s. 39.01(31) or (47)~~,  
 2625 acting in an official capacity, has committed an act of child  
 2626 abuse, abandonment, or neglect, the department shall initiate a  
 2627 child protective investigation within the timeframe established  
 2628 by the central abuse hotline under ~~pursuant to~~ s. 39.201(5) and  
 2629 orally notify the appropriate state attorney, law enforcement  
 2630 agency, and licensing agency. These agencies shall immediately  
 2631 conduct a joint investigation, unless independent investigations  
 2632 are more feasible. When conducting investigations onsite or

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2633 having face-to-face interviews with the child, such  
2634 investigation visits shall be unannounced unless it is  
2635 determined by the department or its agent that the ~~such~~  
2636 unannounced visits would threaten the safety of the child. When  
2637 a facility is exempt from licensing, the department shall inform  
2638 the owner or operator of the facility of the report. Each agency  
2639 conducting a joint investigation is ~~shall be~~ entitled to full  
2640 access to the information gathered by the department in the  
2641 course of the investigation. A protective investigation must  
2642 include an onsite visit of the child's place of residence. In  
2643 all cases, the department shall make a full written report to  
2644 the state attorney within 3 working days after making the oral  
2645 report. A criminal investigation shall be coordinated, whenever  
2646 possible, with the child protective investigation of the  
2647 department. Any interested person who has information regarding  
2648 the offenses described in this subsection may forward a  
2649 statement to the state attorney as to whether prosecution is  
2650 warranted and appropriate. Within 15 days after the completion  
2651 of the investigation, the state attorney shall report the  
2652 findings to the department and shall include in the ~~such~~ report  
2653 a determination of whether or not prosecution is justified and  
2654 appropriate in view of the circumstances of the specific case.

2655 Section 31. For the purpose of incorporating the  
2656 amendments made by this act to section 39.806, Florida Statutes,  
2657 in a reference thereto, subsection (5) of section 39.802,  
2658 Florida Statutes, is reenacted to read:

2659 39.802 Petition for termination of parental rights;  
2660 filing; elements.--

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2661 (5) When a petition for termination of parental rights is  
 2662 filed under s. 39.806(1), a separate petition for dependency  
 2663 need not be filed and the department need not offer the parents  
 2664 a case plan with a goal of reunification, but may instead file  
 2665 with the court a case plan with a goal of termination of  
 2666 parental rights to allow continuation of services until the  
 2667 termination is granted or until further orders of the court are  
 2668 issued.

2669 Section 32. Subsection (1) of section 39.828, Florida  
 2670 Statutes, is amended to read:

2671 39.828 Grounds for appointment of a guardian advocate.--

2672 (1) The court shall appoint the person named in the  
 2673 petition as a guardian advocate with all the powers and duties  
 2674 specified in s. 39.829 for an initial term of 1 year upon a  
 2675 finding that:

2676 (a) The child named in the petition is or was a drug  
 2677 dependent newborn as described in s. 39.01(32)(g) ~~s.~~  
 2678 ~~39.01(30)(g)~~;

2679 (b) The parent or parents of the child have voluntarily  
 2680 relinquished temporary custody of the child to a relative or  
 2681 other responsible adult;

2682 (c) The person named in the petition to be appointed the  
 2683 guardian advocate is capable of carrying out the duties as  
 2684 provided in s. 39.829; and

2685 (d) A petition to adjudicate the child dependent under  
 2686 ~~pursuant to~~ this chapter has not been filed.

2687 Section 33. Subsection (3) of section 63.092, Florida  
 2688 Statutes, is amended to read:



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2689           63.092 Report to the court of intended placement by an  
2690 adoption entity; at-risk placement; preliminary study.--

2691           (3) PRELIMINARY HOME STUDY.--Before placing the minor in  
2692 the intended adoptive home, a preliminary home study must be  
2693 performed by a licensed child-placing agency, a child-caring  
2694 agency registered under s. 409.176, a licensed professional, or  
2695 agency described in s. 61.20(2), unless the adoptee is an adult  
2696 or the petitioner is a stepparent or a relative. If the adoptee  
2697 is an adult or the petitioner is a stepparent or a relative, a  
2698 preliminary home study may be required by the court for good  
2699 cause shown. The department is required to perform the  
2700 preliminary home study only if there is no licensed child-  
2701 placing agency, child-caring agency registered under s. 409.176,  
2702 licensed professional, or agency described in s. 61.20(2), in  
2703 the county where the prospective adoptive parents reside. The  
2704 preliminary home study must be made to determine the suitability  
2705 of the intended adoptive parents and may be completed prior to  
2706 identification of a prospective adoptive minor. A favorable  
2707 preliminary home study is valid for 1 year after the date of its  
2708 completion. Upon its completion, a copy of the home study must  
2709 be provided to the intended adoptive parents who were the  
2710 subject of the home study. A minor may not be placed in an  
2711 intended adoptive home before a favorable preliminary home study  
2712 is completed unless the adoptive home is also a licensed foster  
2713 home under s. 409.175. The preliminary home study must include,  
2714 at a minimum:

2715           (a) An interview with the intended adoptive parents;  
2716           (b) Records checks of the department's central abuse

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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2717 registry and criminal records ~~correspondence~~ checks under s.  
 2718 39.0138 ~~pursuant to s. 435.045~~ through the Department of Law  
 2719 Enforcement on the intended adoptive parents;  
 2720 (c) An assessment of the physical environment of the home;  
 2721 (d) A determination of the financial security of the  
 2722 intended adoptive parents;  
 2723 (e) Documentation of counseling and education of the  
 2724 intended adoptive parents on adoptive parenting;  
 2725 (f) Documentation that information on adoption and the  
 2726 adoption process has been provided to the intended adoptive  
 2727 parents;  
 2728 (g) Documentation that information on support services  
 2729 available in the community has been provided to the intended  
 2730 adoptive parents; and  
 2731 (h) A copy of each signed acknowledgment of receipt of  
 2732 disclosure required by s. 63.085.  
 2733  
 2734 If the preliminary home study is favorable, a minor may be  
 2735 placed in the home pending entry of the judgment of adoption. A  
 2736 minor may not be placed in the home if the preliminary home  
 2737 study is unfavorable. If the preliminary home study is  
 2738 unfavorable, the adoption entity may, within 20 days after  
 2739 receipt of a copy of the written recommendation, petition the  
 2740 court to determine the suitability of the intended adoptive  
 2741 home. A determination as to suitability under this subsection  
 2742 does not act as a presumption of suitability at the final  
 2743 hearing. In determining the suitability of the intended adoptive  
 2744 home, the court must consider the totality of the circumstances

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2745 | in the home. No minor may be placed in a home in which there  
 2746 | resides any person determined by the court to be a sexual  
 2747 | predator as defined in s. 775.21 or to have been convicted of an  
 2748 | offense listed in s. 63.089(4)(b)2.

2749 | Section 34. Paragraph (b) of subsection (3) of section  
 2750 | 409.165, Florida Statutes, is amended to read:

2751 | 409.165 Alternate care for children.--

2752 | (3) With the written consent of parents, custodians, or  
 2753 | guardians, or in accordance with those provisions in chapter 39  
 2754 | that relate to dependent children, the department, under rules  
 2755 | properly adopted, may place a child:

2756 | (b) With an adult nonrelative approved by the court for  
 2757 | permanent guardianship ~~long-term custody~~;

2758 |  
 2759 | under such conditions as are determined to be for the best  
 2760 | interests or the welfare of the child. Any child placed in an  
 2761 | institution or in a family home by the department or its agency  
 2762 | may be removed by the department or its agency, and such other  
 2763 | disposition may be made as is for the best interest of the  
 2764 | child, including transfer of the child to another institution,  
 2765 | another home, or the home of the child. Expenditure of funds  
 2766 | appropriated for out-of-home care can be used to meet the needs  
 2767 | of a child in the child's own home or the home of a relative if  
 2768 | the child can be safely served in the child's own home or that  
 2769 | of a relative if placement can be avoided by the expenditure of  
 2770 | such funds, and if the expenditure of such funds in this manner  
 2771 | is calculated by the department to be a potential cost savings.

2772 | Section 35. Paragraph (d) of subsection (1) of section

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2773 419.001, Florida Statutes, is amended to read:

2774 419.001 Site selection of community residential homes.--

2775 (1) For the purposes of this section, the following  
 2776 definitions shall apply:

2777 (d) "Resident" means any of the following: a frail elder  
 2778 as defined in s. 400.618; a physically disabled or handicapped  
 2779 person as defined in s. 760.22(7)(a); a developmentally disabled  
 2780 person as defined in s. 393.063; a nondangerous mentally ill  
 2781 person as defined in s. 394.455(18); or a child who is found to  
 2782 be dependent or a child in need of services as defined in s.  
 2783 39.01(14), s. 984.03(9) or (12), or s. 985.03(8).

2784 Section 36. Sections 39.601, 39.622, 39.623, 39.624, and  
 2785 435.045, Florida Statutes, are repealed.

2786 Section 37. This act shall take effect July 1, 2006.