

CHAMBER ACTION

1 The Health & Families Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to child protective services; amending s.
7 39.01, F.S.; revising definitions relating to child
8 protective services; amending s. 39.0121, F.S.; providing
9 rulemaking authority to the Department of Children and
10 Family Services to provide certain information in a
11 child's case plan to physical custodians and family
12 services counselors under certain circumstances; amending
13 s. 39.013, F.S.; removing provisions relating to
14 continuances; creating s. 39.0136, F.S.; providing for
15 time limitations and circumstances under which a
16 continuance may be granted in child protective cases;
17 providing exceptions; creating s. 39.0137, F.S.; providing
18 that state laws do not supersede certain federal laws;
19 requiring the Department of Children and Family Services
20 to adopt rules; creating s. 39.0138, F.S.; requiring the
21 department to conduct criminal history records checks of
22 persons being considered as prospective foster parents;
23 specifying information the criminal records checks may

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24 include; prohibiting the department from placing a child
25 with a person other than a parent under certain
26 circumstances; requiring persons with whom placement of a
27 child is being considered or approved to disclose certain
28 information; providing that a court may review the
29 granting or denial of an exemption from disqualification
30 to care for a dependent child; providing that a person
31 seeking placement of a child who is disqualified bears the
32 burden of providing evidence of rehabilitation; amending
33 s. 39.201, F.S.; requiring that any person who knows or
34 suspects that a child is in need of supervision and care
35 and has no parent, legal custodian, or responsible adult
36 relative immediately known and available to provide
37 supervision and care must report this information to the
38 central abuse hotline of the Department of Children and
39 Family Services; amending s. 39.301, F.S.; redefining the
40 term "criminal conduct" to include a child who is known or
41 suspected to be a victim of human trafficking; requiring
42 each child protective investigator to inform the person
43 who is the subject of a child protective investigation
44 that he or she has a duty to report any change in the
45 residence or location of the child to the investigator and
46 that the duty to report continues until the investigation
47 is closed; providing that the department may rely upon a
48 previous report to indicate that child abuse has occurred;
49 providing that if the child has moved to a different
50 residence or location, a report may be filed with a law
51 enforcement agency under certain circumstances; amending

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52 | 39.303, F.S.; conforming provisions to changes made by the
53 | act; amending s. 39.402, F.S.; requiring that a shelter
54 | hearing order contain specified information relating to
55 | the availability of services to prevent removal from the
56 | home; requiring notification of certain parties regarding
57 | case plan or family team conferences or mediation;
58 | providing a timeframe for the conference or mediation;
59 | requiring a parent to provide certain information
60 | regarding relatives with whom a child may be placed under
61 | certain circumstances; providing circumstances under which
62 | parental rights may be terminated and the child's out-of-
63 | home placement may become permanent; amending s. 39.507,
64 | F.S.; requiring the court to inquire of the parents
65 | whether the parents have relatives who might be considered
66 | as a placement for the child; directing the court to
67 | advise the parents that, if the child is not returned to
68 | their custody within 12 months, their parental rights may
69 | be terminated and the child's out-of-home placement may
70 | become permanent; amending s. 39.5085, F.S.; conforming
71 | provisions to changes made by the act; correcting cross-
72 | references; amending s. 39.521, F.S.; revising the content
73 | of an order of disposition issued by the court; amending
74 | s. 39.522, F.S.; requiring the court to consider the
75 | continuity of the child's placement in the same out-of-
76 | home residence as a factor when determining the best
77 | interest of the child in a postdisposition proceeding to
78 | modify custody; creating s. 39.6011, F.S.; providing
79 | procedures for drafting and implementing a case plan;

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80 requiring certain face-to-face meetings; specifying
81 contents of a case plan; requiring the department to
82 prepare a case plan for each child receiving services from
83 the department; requiring all parties, except the child
84 under certain circumstances, to sign the case plan;
85 requiring the case plan to provide certain documentation
86 when the permanency goal for the child is adoption;
87 requiring the department to follow certain procedures;
88 requiring the case plan to be filed with the court and
89 copies to be provided to all parties; requiring certain
90 information to follow a child until permanency is
91 achieved; creating s. 39.6012, F.S.; providing for case
92 plan tasks and services; requiring a parent to complete
93 certain tasks in order to receive certain services;
94 providing for the content of case plans; creating s.
95 39.6013, F.S.; providing for amendments to a case plan;
96 describing the circumstances under which a case plan may
97 be modified; requiring certain information to be included
98 in amendments to a case plan; requiring copies to be
99 distributed to specified parties; amending s. 39.603,
100 F.S.; requiring that case plans and amendments be approved
101 by the court and that copies of the amended plan be
102 provided to certain parties; amending s. 39.621, F.S.;
103 providing a legislative finding; requiring a permanency
104 hearing to be held within a specified timeframe;
105 specifying permanency goals; providing prehearing
106 procedures; directing the court to make certain findings
107 at the permanency hearing; requiring certain factors to be

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108 | considered by the court in determining the permanency goal
109 | for the child; permitting parents to make a motion for
110 | reunification or increased contact under certain
111 | circumstances; providing that certain placements do not
112 | terminate the relationship between the parent and the
113 | child; creating s. 39.6221, F.S.; providing for the
114 | permanent guardianship for a dependent child; authorizing
115 | the court to consider a permanent guardian as a long-term
116 | option for a dependent child; requiring a written order;
117 | providing for the contents of the permanent guardianship
118 | order; exempting the permanent guardianship of a child
119 | from the requirements of ch. 744, F.S., under certain
120 | circumstances; providing for the court to retain
121 | jurisdiction; providing that placement in permanent
122 | guardianship does not terminate the relationship between
123 | the parent and the child; creating s. 39.6231, F.S.;
124 | providing circumstances for placement of a child with a
125 | fit and willing relative; requiring the court to specify
126 | the reasons to place a child with a relative; requiring
127 | the court to establish the relative's authority to care
128 | for the child; providing for the department to supervise
129 | the placement for a specified time period; requiring the
130 | court to continue to conduct permanency hearings; creating
131 | s. 39.6241, F.S.; authorizing the court to place a child
132 | in another planned permanent living arrangement under
133 | certain circumstances; requiring the department and
134 | guardian ad litem to provide the court with certain
135 | information regarding the needs of the child; requiring

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136 the department to supervise the living arrangement until
137 further court order and specifying how often a court must
138 review a placement; amending s. 39.701, F.S.; requiring
139 that a child's current health, mental health, and
140 education records be included in the documentation for the
141 judicial review report; authorizing the court and citizen
142 review panel to make certain determinations; providing for
143 amendments to a case plan; removing a provision relating
144 to the extension of a time limitation or the modification
145 of terms of a case plan; requiring the court to conduct a
146 judicial review 6 months after the child is placed in
147 shelter care; creating s. 39.8055, F.S.; providing when
148 the department may file a petition for termination of
149 parental rights; providing circumstances under which the
150 department may choose not to file a petition; providing
151 for court review of a determination by the department not
152 to file a petition; amending s. 39.806, F.S.; authorizing
153 a material breach of the case plan as a ground to
154 terminate parental rights; requiring that the department
155 show, and the court find, the material breach by clear and
156 convincing evidence; amending s. 39.810, F.S.; providing
157 certain factors for the court to consider for the best
158 interest of the child; amending ss. 39.811 and 409.165,
159 F.S.; conforming provisions to changes made by the act;
160 amending ss. 39.0015, 39.205, 39.302, 39.828, 63.092,
161 409.1685, and 419.001, F.S.; correcting cross-references;
162 reenacting s. 39.802(5), F.S., relating to the filing of a
163 petition to terminate parental rights, to incorporate the

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164 amendments made to s. 39.806, F.S., in a reference
 165 thereto; repealing ss. 39.601, 39.622, 39.623, 39.624,
 166 39.703, and 435.045, F.S., relating to case plan
 167 requirements, long-term custody of a dependent child,
 168 long-term licensed custody of a dependent child,
 169 independent living, initiation and judicial review of
 170 termination of parental rights proceedings, and background
 171 screening of certain persons before a dependent child is
 172 placed in their home; providing an effective date.

173

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

175

176 Section 1. Section 39.01, Florida Statutes, is amended to
 177 read:

178 39.01 Definitions.--When used in this chapter, unless the
 179 context otherwise requires:

180 (1) "Abandoned" means a situation in which the parent or
 181 legal custodian of a child or, in the absence of a parent or
 182 legal custodian, the caregiver responsible for the child's
 183 welfare, while being able, makes no provision for the child's
 184 support and makes no effort to communicate with the child, which
 185 situation is sufficient to evince a willful rejection of
 186 parental obligations. If the efforts of the ~~such~~ parent or legal
 187 custodian, or caregiver primarily responsible for the child's
 188 welfare, to support and communicate with the child are, in the
 189 opinion of the court, only marginal efforts that do not evince a
 190 settled purpose to assume all parental duties, the court may
 191 declare the child to be abandoned. The term "abandoned" does not

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192 include an abandoned newborn infant as described in s. 383.50, a
 193 "child in need of services" as defined in chapter 984, or a
 194 "family in need of services" as defined in chapter 984. The
 195 incarceration of a parent, legal custodian, or caregiver
 196 responsible for a child's welfare may support a finding of
 197 abandonment.

198 (2) "Abuse" means any willful act or threatened act that
 199 results in any physical, mental, or sexual injury or harm that
 200 causes or is likely to cause the child's physical, mental, or
 201 emotional health to be significantly impaired. Abuse of a child
 202 includes acts or omissions. Corporal discipline of a child by a
 203 parent or legal custodian for disciplinary purposes does not in
 204 itself constitute abuse when it does not result in harm to the
 205 child.

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

208 (4) "Adjudicatory hearing" means a hearing for the court
 209 to determine whether or not the facts support the allegations
 210 stated in the petition in dependency cases or in termination of
 211 parental rights cases.

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

213 (6) "Adoption" means the act of creating the legal
 214 relationship between parent and child where it did not exist,
 215 thereby declaring the child to be legally the child of the
 216 adoptive parents and their heir at law, and entitled to all the
 217 rights and privileges and subject to all the obligations of a
 218 child born to the ~~such~~ adoptive parents in lawful wedlock.

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

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220 (a) A child 12 years of age or younger who is alleged to
221 have committed a violation of chapter 794, chapter 796, chapter
222 800, s. 827.071, or s. 847.0133; or

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

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

228 1. "Coercion" means the exploitation of authority or the
229 use of bribes, threats of force, or intimidation to gain
230 cooperation or compliance.

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

234 3. "Consent" means an agreement, including all of the
235 following:

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

238 b. Knowledge of societal standards for what is being
239 proposed.

240 c. Awareness of potential consequences and alternatives.

241 d. Assumption that agreement or disagreement will be
242 accepted equally.

243 e. Voluntary decision.

244 f. Mental competence.

245

246 Juvenile sexual offender behavior ranges from noncontact sexual
247 behavior such as making obscene phone calls, exhibitionism,

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248 voyeurism, and the showing or taking of lewd photographs to
 249 varying degrees of direct sexual contact, such as frottage,
 250 fondling, digital penetration, rape, fellatio, sodomy, and
 251 various other sexually aggressive acts.

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

256 (9) "Authorized agent" or "designee" of the department
 257 means an employee, volunteer, or other person or agency
 258 determined by the state to be eligible for state-funded risk
 259 management coverage, which ~~that~~ is assigned or designated by the
 260 department to perform duties or exercise powers under ~~pursuant~~
 261 ~~to~~ this chapter.

262 (10) "Caregiver" means the parent, legal custodian,
 263 permanent guardian, adult household member, or other person
 264 responsible for a child's welfare as defined in subsection (46)
 265 ~~(47)~~.

266 (11) "Case plan" ~~or "plan"~~ means a document, as described
 267 in s. 39.6011 ~~s. 39.601~~, prepared by the department with input
 268 from all parties. The case plan follows the child from the
 269 provision of voluntary services through any dependency, foster
 270 care, or termination of parental rights proceeding or related
 271 activity or process.

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

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275 (13) "Child protection team" means a team of professionals
276 established by the Department of Health to receive referrals
277 from the protective investigators and protective supervision
278 staff of the department and to provide specialized and
279 supportive services to the program in processing child abuse,
280 abandonment, or neglect cases. A child protection team shall
281 provide consultation to other programs of the department and
282 other persons regarding child abuse, abandonment, or neglect
283 cases.

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

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

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

291 (c) To have been voluntarily placed with a licensed child-
292 caring agency, a licensed child-placing agency, an adult
293 relative, the department, or the former Department of Health and
294 Rehabilitative Services, after which placement, under the
295 requirements of this chapter, a case plan has expired and the
296 parent or parents or legal custodians have failed to
297 substantially comply with the requirements of the plan;

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

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

304 (f) To be at substantial risk of imminent abuse,
305 abandonment, or neglect by the parent or parents or legal
306 custodians.

307 (15) "Child support" means a court-ordered obligation,
308 enforced under chapter 61 and ss. 409.2551-409.2597, for
309 monetary support for the care, maintenance, training, and
310 education of a child.

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

313 (17) "Comprehensive assessment" or "assessment" means the
314 gathering of information for the evaluation of a child's and
315 caregiver's physical, psychiatric, psychological or mental
316 health, educational, vocational, and social condition and family
317 environment as they relate to the child's and caregiver's need
318 for rehabilitative and treatment services, including substance
319 abuse treatment services, mental health services, developmental
320 services, literacy services, medical services, family services,
321 and other specialized services, as appropriate.

322 (18) "Concurrent planning" means establishing a permanency
323 goal in a case plan that uses reasonable efforts to reunify the
324 child with the parent, while at the same time establishing
325 another goal that must be one of the following options:

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

328 (b) Permanent guardianship of a dependent child under s.
329 39.6221;

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

332 (d) Placement in another planned permanent living
333 arrangement under s. 39.6241.

334 ~~(19)~~~~(18)~~ "Court," unless otherwise expressly stated, means
335 the circuit court assigned to exercise jurisdiction under this
336 chapter.

337 ~~(20)~~~~(19)~~ "Department" means the Department of Children and
338 Family Services.

339 ~~(21)~~~~(20)~~ "Diligent efforts by a parent" means a course of
340 conduct which results in a reduction in risk to the child in the
341 child's home that would allow the child to be safely placed
342 permanently back in the home as set forth in the case plan.

343 ~~(22)~~~~(21)~~ "Diligent efforts of social service agency" means
344 reasonable efforts to provide social services or reunification
345 services made by any social service agency that is a party to a
346 case plan.

347 ~~(23)~~~~(22)~~ "Diligent search" means the efforts of a social
348 service agency to locate a parent or prospective parent whose
349 identity or location is unknown, initiated as soon as the social
350 service agency is made aware of the existence of such parent,
351 with the search progress reported at each court hearing until
352 the parent is either identified and located or the court excuses
353 further search.

354 ~~(24)~~~~(23)~~ "Disposition hearing" means a hearing in which
355 the court determines the most appropriate protections, services,
356 and placement for the child in dependency cases.

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357 (25)~~(24)~~ "District" means any one of the 15 service
358 districts of the department established pursuant to s. 20.19.

359 (26)~~(25)~~ "District administrator" means the chief
360 operating officer of each service district of the department as
361 defined in s. 20.19(5) and, where appropriate, includes any
362 district administrator whose service district falls within the
363 boundaries of a judicial circuit.

364 (27)~~(26)~~ "Expedited termination of parental rights" means
365 proceedings wherein a case plan with the goal of reunification
366 is not being offered.

367 (28)~~(27)~~ "False report" means a report of abuse, neglect,
368 or abandonment of a child to the central abuse hotline, which
369 report is maliciously made for the purpose of:

- 370 (a) Harassing, embarrassing, or harming another person;
- 371 (b) Personal financial gain for the reporting person;
- 372 (c) Acquiring custody of a child; or
- 373 (d) Personal benefit for the reporting person in any other
374 private dispute involving a child.

375
376 The term "false report" does not include a report of abuse,
377 neglect, or abandonment of a child made in good faith to the
378 central abuse hotline.

379 (29)~~(28)~~ "Family" means a collective body of persons,
380 consisting of a child and a parent, legal custodian, or adult
381 relative, in which:

- 382 (a) The persons reside in the same house or living unit;
- 383 or

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384 (b) The parent, legal custodian, or adult relative has a
385 legal responsibility by blood, marriage, or court order to
386 support or care for the child.

387 (30) "Family team conference" means a voluntary process
388 for family-focused intervention that is designed to develop a
389 plan for the care, safety, and well-being of a child and the
390 child's family.

391 ~~(31)-(29)~~ "Foster care" means care provided a child in a
392 foster family or boarding home, group home, agency boarding
393 home, child care institution, or any combination thereof.

394 ~~(32)-(30)~~ "Harm" to a child's health or welfare can occur
395 when any person:

396 (a) Inflicts or allows to be inflicted upon the child
397 physical, mental, or emotional injury. In determining whether
398 harm has occurred, the following factors must be considered in
399 evaluating any physical, mental, or emotional injury to a child:
400 the age of the child; any prior history of injuries to the
401 child; the location of the injury on the body of the child; the
402 multiplicity of the injury; and the type of trauma inflicted.
403 Such injury includes, but is not limited to:

404 1. Willful acts that produce the following specific
405 injuries:

406 a. Sprains, dislocations, or cartilage damage.

407 b. Bone or skull fractures.

408 c. Brain or spinal cord damage.

409 d. Intracranial hemorrhage or injury to other internal
410 organs.

411 e. Asphyxiation, suffocation, or drowning.

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- 412 f. Injury resulting from the use of a deadly weapon.
- 413 g. Burns or scalding.
- 414 h. Cuts, lacerations, punctures, or bites.
- 415 i. Permanent or temporary disfigurement.
- 416 j. Permanent or temporary loss or impairment of a body
- 417 part or function.

418
419 As used in this subparagraph, the term "willful" refers to the
420 intent to perform an action, not to the intent to achieve a
421 result or to cause an injury.

422 2. Purposely giving a child poison, alcohol, drugs, or
423 other substances that substantially affect the child's behavior,
424 motor coordination, or judgment or that result in sickness or
425 internal injury. For the purposes of this subparagraph, the term
426 "drugs" means prescription drugs not prescribed for the child or
427 not administered as prescribed, and controlled substances as
428 outlined in Schedule I or Schedule II of s. 893.03.

429 3. Leaving a child without adult supervision or
430 arrangement appropriate for the child's age or mental or
431 physical condition, so that the child is unable to care for the
432 child's own needs or another's basic needs or is unable to
433 exercise good judgment in responding to any kind of physical or
434 emotional crisis.

435 4. Inappropriate or excessively harsh disciplinary action
436 that is likely to result in physical injury, mental injury as
437 defined in this section, or emotional injury. The significance
438 of any injury must be evaluated in light of the following
439 factors: the age of the child; any prior history of injuries to

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440 the child; the location of the injury on the body of the child;
441 the multiplicity of the injury; and the type of trauma
442 inflicted. Corporal discipline may be considered excessive or
443 abusive when it results in any of the following or other similar
444 injuries:

- 445 a. Sprains, dislocations, or cartilage damage.
- 446 b. Bone or skull fractures.
- 447 c. Brain or spinal cord damage.
- 448 d. Intracranial hemorrhage or injury to other internal
449 organs.
- 450 e. Asphyxiation, suffocation, or drowning.
- 451 f. Injury resulting from the use of a deadly weapon.
- 452 g. Burns or scalding.
- 453 h. Cuts, lacerations, punctures, or bites.
- 454 i. Permanent or temporary disfigurement.
- 455 j. Permanent or temporary loss or impairment of a body
456 part or function.
- 457 k. Significant bruises or welts.

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

461 (c) Allows, encourages, or forces the sexual exploitation
462 of a child, which includes allowing, encouraging, or forcing a
463 child to:

- 464 1. Solicit for or engage in prostitution; or
- 465 2. Engage in a sexual performance, as defined by chapter
466 827.

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

469 (e) Abandons the child. Within the context of the
470 definition of "harm," the term "abandons the child" means that
471 the parent or legal custodian of a child or, in the absence of a
472 parent or legal custodian, the person responsible for the
473 child's welfare, while being able, makes no provision for the
474 child's support and makes no effort to communicate with the
475 child, which situation is sufficient to evince a willful
476 rejection of parental obligation. If the efforts of the ~~such a~~
477 parent or legal custodian or person primarily responsible for
478 the child's welfare to support and communicate with the child
479 are only marginal efforts that do not evince a settled purpose
480 to assume all parental duties, the child may be determined to
481 have been abandoned. The term "abandoned" does not include an
482 abandoned newborn infant as described in s. 383.50.

483 (f) Neglects the child. Within the context of the
484 definition of "harm," the term "neglects the child" means that
485 the parent or other person responsible for the child's welfare
486 fails to supply the child with adequate food, clothing, shelter,
487 or health care, although financially able to do so or although
488 offered financial or other means to do so. However, a parent or
489 legal custodian who, by reason of the legitimate practice of
490 religious beliefs, does not provide specified medical treatment
491 for a child may not be considered abusive or neglectful for that
492 reason alone, but such an exception does not:

493 1. Eliminate the requirement that such a case be reported
494 to the department;

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495 2. Prevent the department from investigating such a case;
496 or

497 3. Preclude a court from ordering, when the health of the
498 child requires it, the provision of medical services by a
499 physician, as defined in this section, or treatment by a duly
500 accredited practitioner who relies solely on spiritual means for
501 healing in accordance with the tenets and practices of a well-
502 recognized church or religious organization.

503 (g) Exposes a child to a controlled substance or alcohol.
504 Exposure to a controlled substance or alcohol is established by:

505 1. Use by the mother of a controlled substance or alcohol
506 during pregnancy when the child, at birth, is demonstrably
507 adversely affected by such usage; or

508 2. Continued chronic and severe use of a controlled
509 substance or alcohol by a parent when the child is demonstrably
510 adversely affected by such usage.

511
512 As used in this paragraph, the term "controlled substance" means
513 prescription drugs not prescribed for the parent or not
514 administered as prescribed and controlled substances as outlined
515 in Schedule I or Schedule II of s. 893.03.

516 (h) Uses mechanical devices, unreasonable restraints, or
517 extended periods of isolation to control a child.

518 (i) Engages in violent behavior that demonstrates a wanton
519 disregard for the presence of a child and could reasonably
520 result in serious injury to the child.

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

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

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

530 (33)~~(31)~~ "Institutional child abuse or neglect" means
531 situations of known or suspected child abuse or neglect in which
532 the person allegedly perpetrating the child abuse or neglect is
533 an employee of a private school, public or private day care
534 center, residential home, institution, facility, or agency or
535 any other person at such institution responsible for the child's
536 care.

537 (34)~~(32)~~ "Judge" means the circuit judge exercising
538 jurisdiction pursuant to this chapter.

539 (35)~~(33)~~ "Legal custody" means a legal status created by a
540 court ~~order or letter of guardianship~~ which vests in a custodian
541 of the person or guardian, whether an agency or an individual,
542 the right to have physical custody of the child and the right
543 and duty to protect, nurture, guide ~~train~~, and discipline the
544 child and to provide him or her with food, shelter, education,
545 and ordinary medical, dental, psychiatric, and psychological
546 care. ~~The legal custodian is the person or entity in whom the~~
547 ~~legal right to custody is vested. For purposes of this chapter~~
548 ~~only, when the phrase "parent or legal custodian" is used, it~~

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549 ~~refers to rights or responsibilities of the parent and, only if~~
550 ~~there is no living parent with intact parental rights, to the~~
551 ~~rights or responsibilities of the legal custodian who has~~
552 ~~assumed the role of the parent.~~

553 ~~(34) "Legal guardianship" means a judicially created~~
554 ~~relationship between the child and caregiver which is intended~~
555 ~~to be permanent and self sustaining and is provided pursuant to~~
556 ~~the procedures in chapter 744.~~

557 ~~(36)~~(35) "Licensed child-caring agency" means a person,
558 society, association, or agency licensed by the department to
559 care for, receive, and board children.

560 ~~(37)~~(36) "Licensed child-placing agency" means a person,
561 society, association, or institution licensed by the department
562 to care for, receive, or board children and to place children in
563 a licensed child-caring institution or a foster or adoptive
564 home.

565 ~~(38)~~(37) "Licensed health care professional" means a
566 physician licensed under chapter 458, an osteopathic physician
567 licensed under chapter 459, a nurse licensed under part I of
568 chapter 464, a physician assistant licensed under chapter 458 or
569 chapter 459, or a dentist licensed under chapter 466.

570 ~~(39)~~(38) "Likely to injure oneself" means that, as
571 evidenced by violent or other actively self-destructive
572 behavior, it is more likely than not that within a 24-hour
573 period the child will attempt to commit suicide or inflict
574 serious bodily harm on himself or herself.

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575 (40)~~(39)~~ "Likely to injure others" means that it is more
576 likely than not that within a 24-hour period the child will
577 inflict serious and unjustified bodily harm on another person.

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

581 ~~(41) "Long term custody" or "long term custodial
582 relationship" means the relationship that a juvenile court order
583 creates between a child and an adult relative of the child or
584 other legal custodian approved by the court when the child
585 cannot be placed in the custody of a parent and adoption is not
586 deemed to be in the best interest of the child. Long term
587 custody confers upon the relative or other legal custodian,
588 other than the department, the right to physical custody of the
589 child, a right which will not be disturbed by the court except
590 upon request of the legal custodian or upon a showing that the
591 best interest of the child necessitates a change of custody for
592 the child. A relative or other legal custodian who has been
593 designated as a long term custodian shall have all of the rights
594 and duties of a parent, including, but not limited to, the right
595 and duty to protect, train, and discipline the child and to
596 provide the child with food, shelter, and education, and
597 ordinary medical, dental, psychiatric, and psychological care,
598 unless these rights and duties are otherwise enlarged or limited
599 by the court order establishing the long term custodial
600 relationship.~~

601 (41)~~(42)~~ "Mediation" means a process whereby a neutral
602 third person called a mediator acts to encourage and facilitate

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603 the resolution of a dispute between two or more parties. It is
604 an informal and nonadversarial process with the objective of
605 helping the disputing parties reach a mutually acceptable and
606 voluntary agreement. The role of the mediator includes, but is
607 not limited to, assisting the parties in identifying issues,
608 fostering joint problem solving, and exploring settlement
609 alternatives.

610 (42)~~(43)~~ "Mental injury" means an injury to the
611 intellectual or psychological capacity of a child as evidenced
612 by a discernible and substantial impairment in the ability to
613 function within the normal range of performance and behavior.

614 (43)~~(44)~~ "Necessary medical treatment" means care which is
615 necessary within a reasonable degree of medical certainty to
616 prevent the deterioration of a child's condition or to alleviate
617 immediate pain of a child.

618 (44)~~(45)~~ "Neglect" occurs when a child is deprived of, or
619 is allowed to be deprived of, necessary food, clothing, shelter,
620 or medical treatment or a child is permitted to live in an
621 environment when such deprivation or environment causes the
622 child's physical, mental, or emotional health to be
623 significantly impaired or to be in danger of being significantly
624 impaired. The foregoing circumstances shall not be considered
625 neglect if caused primarily by financial inability unless actual
626 services for relief have been offered to and rejected by such
627 person. A parent or legal custodian legitimately practicing
628 religious beliefs in accordance with a recognized church or
629 religious organization who thereby does not provide specific
630 medical treatment for a child may ~~shall~~ not, for that reason

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631 | alone, be considered a negligent parent or legal custodian;
 632 | however, such an exception does not preclude a court from
 633 | ordering the following services to be provided, when the health
 634 | of the child so requires:

635 | (a) Medical services from a licensed physician, dentist,
 636 | optometrist, podiatric physician, or other qualified health care
 637 | provider; or

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

642 |

643 | Neglect of a child includes acts or omissions.

644 | (45)~~(46)~~ "Next of kin" means an adult relative of a child
 645 | who is the child's brother, sister, grandparent, aunt, uncle, or
 646 | first cousin.

647 | (46)~~(47)~~ "Other person responsible for a child's welfare"
 648 | includes the child's legal guardian,~~legal custodian,~~ or foster
 649 | parent; an employee of a private school, public or private child
 650 | day care center, residential home, institution, facility, or
 651 | agency; or any other person legally responsible for the child's
 652 | welfare in a residential setting; and also includes an adult
 653 | sitter or relative entrusted with a child's care. For the
 654 | purpose of departmental investigative jurisdiction, this
 655 | definition does not include law enforcement officers, or
 656 | employees of municipal or county detention facilities or the
 657 | Department of Corrections, while acting in an official capacity.

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658 ~~(47)-(48)~~ "Out-of-home" means a placement outside of the
659 home of the parents or a parent.

660 ~~(48)-(49)~~ "Parent" means a woman who gives birth to a child
661 and a man whose consent to the adoption of the child would be
662 required under s. 63.062(1). If a child has been legally
663 adopted, the term "parent" means the adoptive mother or father
664 of the child. The term does not include an individual whose
665 parental relationship to the child has been legally terminated,
666 or an alleged or prospective parent, unless the parental status
667 falls within the terms of s. 39.503(1) or this subsection ~~s.~~
668 ~~63.062(1)~~. For purposes of this chapter only, when the phrase
669 "parent or legal custodian" is used, it refers to rights or
670 responsibilities of the parent and, only if there is no living
671 parent with intact parental rights, to the rights or
672 responsibilities of the legal custodian who has assumed the role
673 of the parent.

674 ~~(49)-(50)~~ "Participant," for purposes of a shelter
675 proceeding, dependency proceeding, or termination of parental
676 rights proceeding, means any person who is not a party but who
677 should receive notice of hearings involving the child, including
678 the actual custodian of the child, the foster parents or the
679 legal custodian of the child, identified prospective parents,
680 ~~grandparents entitled to priority for adoption consideration~~
681 ~~under s. 63.0425, actual custodians of the child,~~ and any other
682 person whose participation may be in the best interest of the
683 child. A community-based agency under contract with the
684 department to provide protective services may be designated as a
685 participant at the discretion of the court. Participants may be

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686 granted leave by the court to be heard without the necessity of
687 filing a motion to intervene.

688 (50)~~(51)~~ "Party" means the parent or parents of the child,
689 the petitioner, the department, the guardian ad litem or the
690 representative of the guardian ad litem program when the program
691 has been appointed, and the child. The presence of the child may
692 be excused by order of the court when presence would not be in
693 the child's best interest. Notice to the child may be excused by
694 order of the court when the age, capacity, or other condition of
695 the child is such that the notice would be meaningless or
696 detrimental to the child.

697 (51) "Permanency goal" means the living arrangement
698 identified for the child to return to or identified as the
699 permanent living arrangement for the child. Permanency goals
700 applicable under this chapter, listed in order of preference,
701 are:

702 (a) Reunification;

703 (b) Adoption when a petition for termination of parental
704 rights has been or will be filed;

705 (c) Permanent guardianship of a dependent child under s.
706 39.6221;

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

709 (e) Placement in another planned permanent living
710 arrangement under s. 39.6241.

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712 The permanency goal is also the case plan goal. If concurrent
713 case planning is being used, reunification may be pursued at the
714 same time that another permanency goal is pursued.

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

717 (53) "Permanent guardian" means the relative or other
718 adult in a permanent guardianship of a dependent child under s.
719 39.6221.

720 (54) "Permanent guardianship of a dependent child" means a
721 legal relationship that a court creates under s. 39.6221 between
722 a child and a relative or other adult approved by the court
723 which is intended to be permanent and self-sustaining through
724 the transfer of parental rights with respect to the child
725 relating to protection, education, care, and control of the
726 child, custody of the child, and decisionmaking on behalf of the
727 child.

728 (55)~~(52)~~ "Physical injury" means death, permanent or
729 temporary disfigurement, or impairment of any bodily part.

730 (56)~~(53)~~ "Physician" means any licensed physician,
731 dentist, podiatric physician, or optometrist and includes any
732 intern or resident.

733 (57)~~(54)~~ "Preliminary screening" means the gathering of
734 preliminary information to be used in determining a child's need
735 for further evaluation or assessment or for referral for other
736 substance abuse services through means such as psychosocial
737 interviews; urine and breathalyzer screenings; and reviews of
738 available educational, delinquency, and dependency records of
739 the child.

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740 (58)~~(55)~~ "Preventive services" means social services and
741 other supportive and rehabilitative services provided to the
742 parent or legal custodian of the child and to the child for the
743 purpose of averting the removal of the child from the home or
744 disruption of a family which will or could result in the
745 placement of a child in foster care. Social services and other
746 supportive and rehabilitative services shall promote the child's
747 need for physical, mental, and emotional health and a safe,
748 stable, living environment, shall promote family autonomy, and
749 shall strengthen family life, whenever possible.

750 (59)~~(56)~~ "Prospective parent" means a person who claims to
751 be, or has been identified as, a person who may be a mother or a
752 father of a child.

753 (60)~~(57)~~ "Protective investigation" means the acceptance
754 of a report alleging child abuse, abandonment, or neglect, as
755 defined in this chapter, by the central abuse hotline or the
756 acceptance of a report of other dependency by the department;
757 the investigation of each report; the determination of whether
758 action by the court is warranted; the determination of the
759 disposition of each report without court or public agency action
760 when appropriate; and the referral of a child to another public
761 or private agency when appropriate.

762 (61)~~(58)~~ "Protective investigator" means an authorized
763 agent of the department who receives and investigates reports of
764 child abuse, abandonment, or neglect; who, as a result of the
765 investigation, may recommend that a dependency petition be filed
766 for the child; and who performs other duties necessary to carry

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767 out the required actions of the protective investigation
768 function.

769 (62)~~(59)~~ "Protective supervision" means a legal status in
770 dependency cases which permits the child to remain safely in his
771 or her own home or other nonlicensed placement under the
772 supervision of an agent of the department and which must be
773 reviewed by the court during the period of supervision.

774 (63)~~(60)~~ "Relative" means a grandparent, great-
775 grandparent, sibling, first cousin, aunt, uncle, great-aunt,
776 great-uncle, niece, or nephew, whether related by the whole or
777 half blood, by affinity, or by adoption. The term does not
778 include a stepparent.

779 (64)~~(61)~~ "Reunification services" means social services
780 and other supportive and rehabilitative services provided to the
781 parent of the child, to the child, and, where appropriate, to
782 the relative placement, nonrelative placement, or foster parents
783 of the child, for the purpose of enabling a child who has been
784 placed in out-of-home care to safely return to his or her parent
785 at the earliest possible time. The health and safety of the
786 child shall be the paramount goal of social services and other
787 supportive and rehabilitative services. The ~~Such~~ services shall
788 promote the child's need for physical, mental, and emotional
789 health and a safe, stable, living environment, shall promote
790 family autonomy, and shall strengthen family life, whenever
791 possible.

792 (65)~~(62)~~ "Secretary" means the Secretary of Children and
793 Family Services.

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794 (66)~~(63)~~ "Sexual abuse of a child" means one or more of
795 the following acts:

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

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

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

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

809 1. Any act which may reasonably be construed to be a
810 normal caregiver responsibility, any interaction with, or
811 affection for a child; or

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

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

815 (f) The intentional exposure of the perpetrator's genitals
816 in the presence of a child, or any other sexual act
817 intentionally perpetrated in the presence of a child, if such
818 exposure or sexual act is for the purpose of sexual arousal or
819 gratification, aggression, degradation, or other similar
820 purpose.

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

- 823 1. Solicit for or engage in prostitution; or
824 2. Engage in a sexual performance, as defined by chapter
825 827.

826 (67)~~(64)~~ "Shelter" means a placement with a relative or a
827 nonrelative, or in a licensed home or facility, for the
828 temporary care of a child who is alleged to be or who has been
829 found to be dependent, pending court disposition before or after
830 adjudication.

831 (68)~~(65)~~ "Shelter hearing" means a hearing in which the
832 court determines whether probable cause exists to keep a child
833 in shelter status pending further investigation of the case.

834 (69)~~(66)~~ "Social service agency" means the department, a
835 licensed child-caring agency, or a licensed child-placing
836 agency.

837 (70)~~(67)~~ "Substance abuse" means using, without medical
838 reason, any psychoactive or mood-altering drug, including
839 alcohol, in such a manner as to induce impairment resulting in
840 dysfunctional social behavior.

841 (71)~~(68)~~ "Substantial compliance" means that the
842 circumstances which caused the creation of the case plan have
843 been significantly remedied to the extent that the well-being
844 and safety of the child will not be endangered upon the child's
845 remaining with or being returned to the child's parent.

846 (72)~~(69)~~ "Taken into custody" means the status of a child
847 immediately when temporary physical control over the child is

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848 attained by a person authorized by law, pending the child's
849 release or placement.

850 ~~(73)-(70)~~ "Temporary legal custody" means the relationship
851 that a ~~juvenile~~ court creates between a child and an adult
852 relative of the child, legal custodian, agency, or other person
853 approved by the court until a more permanent arrangement is
854 ordered. Temporary legal custody confers upon the custodian the
855 right to have temporary physical custody of the child and the
856 right and duty to protect, nurture, guide ~~train~~, and discipline
857 the child and to provide the child with food, shelter, and
858 education, and ordinary medical, dental, psychiatric, and
859 psychological care, unless these rights and duties are otherwise
860 enlarged or limited by the court order establishing the
861 temporary legal custody relationship.

862 ~~(74)-(71)~~ "Victim" means any child who has sustained or is
863 threatened with physical, mental, or emotional injury identified
864 in a report involving child abuse, neglect, or abandonment, or
865 child-on-child sexual abuse.

866 ~~(72)~~ ~~"Long term licensed custody" means the relationship~~
867 ~~that a juvenile court order creates between a child and a~~
868 ~~placement licensed by the state to provide residential care for~~
869 ~~dependent children, if the licensed placement is willing and~~
870 ~~able to continue to care for the child until the child reaches~~
871 ~~the age of majority.~~

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

874 39.0121 Specific rulemaking authority.--Pursuant to the
875 requirements of s. 120.536, the department is specifically

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876 | authorized to adopt, amend, and repeal administrative rules
 877 | which implement or interpret law or policy, or describe the
 878 | procedure and practice requirements necessary to implement this
 879 | chapter, including, but not limited to, the following:

880 | (15) Provision for making available to all physical
 881 | custodians and family services counselors the information
 882 | required by s. 39.6012(2) and for ensuring that this information
 883 | follows the child until permanency has been achieved.

884 | Section 3. Section 39.013, Florida Statutes, is amended to
 885 | read:

886 | 39.013 Procedures and jurisdiction; right to counsel.--

887 | (1) All procedures, including petitions, pleadings,
 888 | subpoenas, summonses, and hearings, in this chapter shall be
 889 | conducted according to the Florida Rules of Juvenile Procedure
 890 | unless otherwise provided by law. Parents must be informed by
 891 | the court of their right to counsel in dependency proceedings at
 892 | each stage of the dependency proceedings. Parents who are unable
 893 | to afford counsel must be appointed counsel.

894 | (2) The circuit court has ~~shall have~~ exclusive original
 895 | jurisdiction of all proceedings under this chapter, of a child
 896 | voluntarily placed with a licensed child-caring agency, a
 897 | licensed child-placing agency, or the department, and of the
 898 | adoption of children whose parental rights have been terminated
 899 | under this chapter. Jurisdiction attaches when the initial
 900 | shelter petition, dependency petition, or termination of
 901 | parental rights petition is filed or when a child is taken into
 902 | the custody of the department. The circuit court may assume
 903 | jurisdiction over any such proceeding regardless of whether the

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904 child was in the physical custody of both parents, was in the
905 sole legal or physical custody of only one parent, caregiver, or
906 some other person, or was in the physical or legal custody of no
907 person when the event or condition occurred that brought the
908 child to the attention of the court. When the court obtains
909 jurisdiction of any child who has been found to be dependent,
910 the court shall retain jurisdiction, unless relinquished by its
911 order, until the child reaches 18 years of age. However, if a
912 youth petitions the court at any time before his or her 19th
913 birthday requesting the court's continued jurisdiction, the
914 juvenile court may retain jurisdiction under this chapter for a
915 period not to exceed 1 year following the youth's 18th birthday
916 for the purpose of determining whether appropriate aftercare
917 support, Road-to-Independence Scholarship, transitional support,
918 mental health, and developmental disability services, to the
919 extent otherwise authorized by law, have been provided to the
920 formerly dependent child who was in the legal custody of the
921 department immediately before his or her 18th birthday. If a
922 petition for special immigrant juvenile status and an
923 application for adjustment of status have been filed on behalf
924 of a foster child and the petition and application have not been
925 granted by the time the child reaches 18 years of age, the court
926 may retain jurisdiction over the dependency case solely for the
927 purpose of allowing the continued consideration of the petition
928 and application by federal authorities. Review hearings for the
929 child shall be set solely for the purpose of determining the
930 status of the petition and application. The court's jurisdiction
931 terminates upon the final decision of the federal authorities.

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

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932 Retention of jurisdiction in this instance does not affect the
933 services available to a young adult under s. 409.1451. The court
934 may not retain jurisdiction of the case after the immigrant
935 child's 22nd birthday.

936 (3) When a child is under the jurisdiction of the circuit
937 court pursuant to ~~the provisions of~~ this chapter, the circuit
938 court assigned to handle dependency matters may exercise the
939 general and equitable jurisdiction over guardianship proceedings
940 under ~~pursuant to the provisions of~~ chapter 744 and proceedings
941 for temporary custody of minor children by extended family under
942 ~~pursuant to the provisions of~~ chapter 751.

943 (4) Orders entered pursuant to this chapter which affect
944 the placement of, access to, parental time with, adoption of, or
945 parental rights and responsibilities for a minor child shall
946 take precedence over other orders entered in civil actions or
947 proceedings. However, if the court has terminated jurisdiction,
948 the ~~such~~ order may be subsequently modified by a court of
949 competent jurisdiction in any other civil action or proceeding
950 affecting placement of, access to, parental time with, adoption
951 of, or parental rights and responsibilities for the same minor
952 child.

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

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

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

962 (8) For any child who remains in the custody of the
963 department, the court shall, within the month which constitutes
964 the beginning of the 6-month period before the child's 18th
965 birthday, hold a hearing to review the progress of the child
966 while in the custody of the department.

967 (9) (a) At each stage of the proceedings under this
968 chapter, the court shall advise the parents of the right to
969 counsel. The court shall appoint counsel for indigent parents.
970 The court shall ascertain whether the right to counsel is
971 understood. When right to counsel is waived, the court shall
972 determine whether the waiver is knowing and intelligent. The
973 court shall enter its findings in writing with respect to the
974 appointment or waiver of counsel for indigent parents or the
975 waiver of counsel by nonindigent parents.

976 (b) Once counsel has entered an appearance or been
977 appointed by the court to represent the parent of the child, the
978 attorney shall continue to represent the parent throughout the
979 proceedings. If the attorney-client relationship is
980 discontinued, the court shall advise the parent of the right to
981 have new counsel retained or appointed for the remainder of the
982 proceedings.

983 (c) 1. A ~~No~~ waiver of counsel may not be accepted if it
984 appears that the parent is unable to make an intelligent and
985 understanding choice because of mental condition, age,

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986 education, experience, the nature or complexity of the case, or
987 other factors.

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

989 3. If a waiver of counsel is accepted at any hearing or
990 proceeding, the offer of assistance of counsel must be renewed
991 by the court at each subsequent stage of the proceedings at
992 which the parent appears without counsel.

993 (d) This subsection does not apply to any parent who has
994 voluntarily executed a written surrender of the child and
995 consents to the entry of a court order terminating parental
996 rights.

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

998 ~~(a) Periods of delay resulting from a continuance granted~~
999 ~~at the request or with the consent of the child's counsel or the~~
1000 ~~child's guardian ad litem, if one has been appointed by the~~
1001 ~~court, or, if the child is of sufficient capacity to express~~
1002 ~~reasonable consent, at the request or with the consent of the~~
1003 ~~child.~~

1004 ~~(b) Periods of delay resulting from a continuance granted~~
1005 ~~at the request of any party, if the continuance is granted:~~

1006 ~~1. Because of an unavailability of evidence material to~~
1007 ~~the case when the requesting party has exercised due diligence~~
1008 ~~to obtain such evidence and there are substantial grounds to~~
1009 ~~believe that such evidence will be available within 30 days.~~
1010 ~~However, if the requesting party is not prepared to proceed~~
1011 ~~within 30 days, any other party, inclusive of the parent or~~
1012 ~~legal custodian, may move for issuance of an order to show cause~~

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1013 ~~or the court on its own motion may impose appropriate sanctions,~~
1014 ~~which may include dismissal of the petition.~~

1015 ~~2. To allow the requesting party additional time to~~
1016 ~~prepare the case and additional time is justified because of an~~
1017 ~~exceptional circumstance.~~

1018 ~~(c) Reasonable periods of delay necessary to accomplish~~
1019 ~~notice of the hearing to the child's parent or legal custodian,~~
1020 ~~however, the petitioner shall continue regular efforts to~~
1021 ~~provide notice to the parents during such periods of delay.~~

1022 ~~(d) Reasonable periods of delay resulting from a~~
1023 ~~continuance granted at the request of the parent or legal~~
1024 ~~custodian of a subject child.~~

1025 ~~(e) Notwithstanding the foregoing, continuances and~~
1026 ~~extensions of time are limited to the number of days absolutely~~
1027 ~~necessary to complete a necessary task in order to preserve the~~
1028 ~~rights of a party or the best interests of a child. Time is of~~
1029 ~~the essence for the best interests of dependent children in~~
1030 ~~conducting dependency proceedings in accordance with the time~~
1031 ~~limitations set forth in this chapter. Time limitations are a~~
1032 ~~right of the child which may not be waived, extended, or~~
1033 ~~continued at the request of any party in advance of the~~
1034 ~~particular circumstances or need arising upon which delay of the~~
1035 ~~proceedings may be warranted.~~

1036 ~~(f) Continuances or extensions of time may not total more~~
1037 ~~than 60 days for all parties within any 12-month period during~~
1038 ~~proceedings under this chapter. A continuance or extension of~~
1039 ~~time beyond the 60 days may be granted only for extraordinary~~
1040 ~~circumstances necessary to preserve the constitutional rights of~~

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1041 ~~a party or when substantial evidence demonstrates that the~~
 1042 ~~child's best interests will be affirmatively harmed without the~~
 1043 ~~granting of a continuance or extension of time.~~

1044 (10)~~(11)~~ Court-appointed counsel representing indigent
 1045 parents at shelter hearings shall be paid from state funds
 1046 appropriated by general law.

1047 (11)~~(12)~~ The court shall encourage the Statewide Guardian
 1048 Ad Litem Office to provide greater representation to those
 1049 children who are within 1 year of transferring out of foster
 1050 care.

1051 Section 4. Section 39.0136, Florida Statutes, is created
 1052 to read:

1053 39.0136 Time limitations; continuances.--

1054 (1) The Legislature finds that time is of the essence for
 1055 establishing permanency for a child in the dependency system.
 1056 Time limitations are a right of the child which may not be
 1057 waived, extended, or continued at the request of any party
 1058 except as provided in this section.

1059 (2) The time limitations in this chapter do not include:

1060 (a) Periods of delay resulting from a continuance granted
 1061 at the request of the child's counsel or the child's guardian ad
 1062 litem or, if the child is of sufficient capacity to express
 1063 reasonable consent, at the request or with the consent of the
 1064 child. The court must consider the best interest of the child
 1065 when determining periods of delay under this section.

1066 (b) Periods of delay resulting from a continuance granted
 1067 at the request of any party if the continuance is granted:

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1068 1. Because of an unavailability of evidence that is
1069 material to the case if the requesting party has exercised due
1070 diligence to obtain evidence and there are substantial grounds
1071 to believe that the evidence will be available within 30 days.
1072 However, if the requesting party is not prepared to proceed
1073 within 30 days, any other party may move for issuance of an
1074 order to show cause or the court, on its own motion, may impose
1075 appropriate sanctions, which may include dismissal of the
1076 petition.

1077 2. To allow the requesting party additional time to
1078 prepare the case and additional time is justified because of an
1079 exceptional circumstance.

1080 (c) Reasonable periods of delay necessary to accomplish
1081 notice of the hearing to the child's parent or legal custodian;
1082 however, the petitioner shall continue regular efforts to
1083 provide notice to the parents during the periods of delay.

1084 (3) Notwithstanding subsection (2), in order to expedite
1085 permanency for a child, the total time allowed for continuances
1086 or extensions of time may not exceed 60 days within any 12-month
1087 period for proceedings conducted under this chapter. A
1088 continuance or extension of time may be granted only for
1089 extraordinary circumstances in which it is necessary to preserve
1090 the constitutional rights of a party or if substantial evidence
1091 exists to demonstrate that without granting a continuance or
1092 extension of time the child's best interest will be harmed.

1093 (4) Notwithstanding subsection (2), a continuance or an
1094 extension of time is limited to the number of days absolutely

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1095 necessary to complete a necessary task in order to preserve the
1096 rights of a party or the best interest of a child.

1097 Section 5. Section 39.0137, Florida Statutes, is created
1098 to read:

1099 39.0137 Federal law; rulemaking authority.--

1100 (1) This chapter does not supersede the requirements of
1101 the Indian Child Welfare Act, 25 U.S.C. ss. 1901 et seq., or the
1102 Multi-Ethnic Placement Act of 1994, Pub. L. No. 103-382, as
1103 amended, or the implementing regulations.

1104 (2) The department shall adopt rules no later than July 1,
1105 2007, to ensure that the provisions of these federal laws are
1106 enforced in this state. The department is encouraged to enter
1107 into agreements with recognized American Indian tribes in order
1108 to facilitate the implementation of the Indian Child Welfare
1109 Act.

1110 Section 6. Section 39.0138, Florida Statutes, is created
1111 to read:

1112 39.0138 Criminal history records check; requirements for
1113 placement of children; exemptions from disqualification.--

1114 (1) The department shall conduct a criminal history
1115 records check for any person being considered by the department
1116 for approval for placement of a child subject to a placement
1117 decision under this chapter. For purposes of this section, a
1118 criminal history records check may include, but not be limited
1119 to, submission of fingerprints to the Department of Law
1120 Enforcement for state processing and a local criminal history
1121 records check through local law enforcement agencies and

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1122 forwarding to the Federal Bureau of Investigation for a national
1123 criminal history records check.

1124 (2) The department may not place a child with a person
1125 other than a parent if the criminal history records check
1126 reveals that the person has been convicted of a felony that
1127 falls within any of the following categories:

1128 (a) Child abuse, abandonment, or neglect;

1129 (b) Domestic violence;

1130 (c) Child pornography or other felony in which a child was
1131 a victim of the offense; or

1132 (d) Homicide, sexual battery, or other felony involving
1133 violence, other than felony assault or felony battery in which
1134 an adult was the victim of the assault or battery.

1135 (3) The department may not place a child with a person
1136 other than a parent if the criminal history records check
1137 reveals that the person has been convicted of a felony within
1138 the previous 5 years that falls within any of the following
1139 categories:

1140 (a) Assault;

1141 (b) Battery; or

1142 (c) A drug-related offense.

1143 (4) The department may place a child in a home that
1144 otherwise meets placement requirements if a name check of state
1145 and local criminal history records systems does not disqualify
1146 the applicant and if the department has submitted fingerprints
1147 to the Department of Law Enforcement for forwarding to the
1148 Federal Bureau of Investigation and is awaiting the results of
1149 the state and national criminal history records checks.

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1150 (5) Persons with whom placement of a child is being
1151 considered or approved must disclose to the department any prior
1152 or pending local, state, or federal criminal proceedings in
1153 which they are or have been involved.

1154 (6) The department may examine the results of any criminal
1155 history records check of any person, including a parent with
1156 whom placement of a child is being considered under this
1157 section. The complete criminal history records check must be
1158 considered when determining whether placement with the person
1159 will jeopardize the safety of the child being placed.

1160 (7) (a) The court may review a decision of the department
1161 to grant or deny the placement of a child based upon criminal
1162 history records check information. The review may be upon the
1163 motion of any party, the request of any person who has been
1164 denied a placement by the department, or on its own motion. The
1165 court shall prepare written findings to support its decision in
1166 this matter.

1167 (b) A person seeking placement of a child when the
1168 department has denied the placement based on the results of a
1169 criminal history records check has the burden of setting forth
1170 sufficient evidence of rehabilitation, including, but not
1171 limited to, the circumstances surrounding the incident providing
1172 the basis for denying the application, the time period that has
1173 elapsed since the incident, the nature of the harm caused to the
1174 victim, whether the victim was a child, the history of the
1175 person since the incident, whether the person has complied with
1176 any requirement to pay restitution, and any other evidence or

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1177 | circumstances indicating that the person will not present a
 1178 | danger if the placement of the child is allowed.

1179 | Section 7. Paragraph (a) of subsection (1), paragraph (a)
 1180 | of subsection (2), and subsection (5) of section 39.201, Florida
 1181 | Statutes, are amended to read:

1182 | 39.201 Mandatory reports of child abuse, abandonment, or
 1183 | neglect; mandatory reports of death; central abuse hotline.--

1184 | (1) (a) Any person who knows, or has reasonable cause to
 1185 | suspect, that a child is abused, abandoned, or neglected by a
 1186 | parent, legal custodian, caregiver, or other person responsible
 1187 | for the child's welfare, as defined in this chapter, or that a
 1188 | child is in need of supervision and care and has no parent,
 1189 | legal custodian, or responsible adult relative immediately known
 1190 | and available to provide supervision and care shall report such
 1191 | knowledge or suspicion to the department in the manner
 1192 | prescribed in subsection (2).

1193 | (2) (a) Each report of known or suspected child abuse,
 1194 | abandonment, or neglect by a parent, legal custodian, caregiver,
 1195 | or other person responsible for the child's welfare as defined
 1196 | in this chapter, except those solely under s. 827.04(3), and
 1197 | each report that a child is in need of supervision and care and
 1198 | has no parent, legal custodian, or responsible adult relative
 1199 | immediately known and available to provide supervision and care
 1200 | shall be made immediately to the department's central abuse
 1201 | hotline on the single statewide toll-free telephone number.
 1202 | Personnel at the department's central abuse hotline shall
 1203 | determine if the report received meets the statutory definition
 1204 | of child abuse, abandonment, or neglect. Any report meeting one

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1205 | of these definitions shall be accepted for the protective
 1206 | investigation pursuant to part III of this chapter.
 1207 | (5) The department shall be capable of receiving and
 1208 | investigating, 24 hours a day, 7 days a week, reports of known
 1209 | or suspected child abuse, abandonment, or neglect and reports
 1210 | that a child is in need of supervision and care and has no
 1211 | parent, legal custodian, or responsible adult relative
 1212 | immediately known and available to provide supervision and care
 1213 | ~~24 hours a day, 7 days a week.~~ If it appears that the immediate
 1214 | safety or well-being of a child is endangered, that the family
 1215 | may flee or the child will be unavailable for purposes of
 1216 | conducting a child protective investigation, or that the facts
 1217 | otherwise so warrant, the department shall commence an
 1218 | investigation immediately, regardless of the time of day or
 1219 | night. In all other child abuse, abandonment, or neglect cases,
 1220 | a child protective investigation shall be commenced within 24
 1221 | hours after receipt of the report. In an institutional
 1222 | investigation, the alleged perpetrator may be represented by an
 1223 | attorney, at his or her own expense, or accompanied by another
 1224 | person, if the person or the attorney executes an affidavit of
 1225 | understanding with the department and agrees to comply with the
 1226 | confidentiality provisions of s. 39.202. The absence of an
 1227 | attorney or other person does not prevent the department from
 1228 | proceeding with other aspects of the investigation, including
 1229 | interviews with other persons. In institutional child abuse
 1230 | cases when the institution is not operating and the child cannot
 1231 | otherwise be located, the investigation shall commence
 1232 | immediately upon the resumption of operation. If requested by a

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1233 state attorney or local law enforcement agency, the department
1234 shall furnish all investigative reports to that agency.

1235 Section 8. Subsections (1), (2), (5), and (22) of section
1236 39.301, Florida Statutes, are amended, and subsection (23) is
1237 added to that section, to read:

1238 39.301 Initiation of protective investigations.--

1239 (1) Upon receiving an oral or written report of known or
1240 suspected child abuse, abandonment, or neglect, or that a child
1241 is in need of supervision and care and has no parent, legal
1242 custodian, or responsible adult relative immediately known and
1243 available to provide supervision and care, the central abuse
1244 hotline shall determine if the report requires an immediate
1245 onsite protective investigation. For reports requiring an
1246 immediate onsite protective investigation, the central abuse
1247 hotline shall immediately notify the department's designated
1248 children and families district staff responsible for protective
1249 investigations to ensure that an onsite investigation is
1250 promptly initiated. For reports not requiring an immediate
1251 onsite protective investigation, the central abuse hotline shall
1252 notify the department's designated children and families
1253 district staff responsible for protective investigations in
1254 sufficient time to allow for an investigation. At the time of
1255 notification of district staff with respect to the report, the
1256 central abuse hotline shall also provide information on any
1257 previous report concerning a subject of the present report or
1258 any pertinent information relative to the present report or any
1259 noted earlier reports.

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1260 (2) (a) The department shall immediately forward
1261 allegations of criminal conduct to the municipal or county law
1262 enforcement agency of the municipality or county in which the
1263 alleged conduct has occurred.

1264 (b) As used in this subsection, the term "criminal
1265 conduct" means:

1266 1. A child is known or suspected to be the victim of child
1267 abuse, as defined in s. 827.03, or of neglect of a child, as
1268 defined in s. 827.03.

1269 2. A child is known or suspected to have died as a result
1270 of abuse or neglect.

1271 3. A child is known or suspected to be the victim of
1272 aggravated child abuse, as defined in s. 827.03.

1273 4. A child is known or suspected to be the victim of
1274 sexual battery, as defined in s. 827.071, or of sexual abuse, as
1275 defined in s. 39.01.

1276 5. A child is known or suspected to be the victim of
1277 institutional child abuse or neglect, as defined in s. 39.01,
1278 and as provided for in s. 39.302(1).

1279 6. A child is known or suspected to be a victim of human
1280 trafficking, as provided in s. 787.06.

1281 (c) Upon receiving a written report of an allegation of
1282 criminal conduct from the department, the law enforcement agency
1283 shall review the information in the written report to determine
1284 whether a criminal investigation is warranted. If the law
1285 enforcement agency accepts the case for criminal investigation,
1286 it shall coordinate its investigative activities with the
1287 department, whenever feasible. If the law enforcement agency

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1288 | does not accept the case for criminal investigation, the agency
1289 | shall notify the department in writing.

1290 | (d) The local law enforcement agreement required in s.
1291 | 39.306 shall describe the specific local protocols for
1292 | implementing this section.

1293 | (5) (a) Upon commencing an investigation under this part,
1294 | the child protective investigator shall inform any subject of
1295 | the investigation of the following:

1296 | 1. The names of the investigators and identifying
1297 | credentials from the department.

1298 | 2. The purpose of the investigation.

1299 | 3. The right to obtain his or her own attorney and ways
1300 | that the information provided by the subject may be used.

1301 | 4. The possible outcomes and services of the department's
1302 | response, which shall be explained to the parent or legal
1303 | custodian.

1304 | 5. The right of the parent or legal custodian to be
1305 | involved to the fullest extent possible in determining the
1306 | nature of the allegation and the nature of any identified
1307 | problem.

1308 | 6. The duty of the parent or legal custodian to report any
1309 | change in the residence or location of the child to the
1310 | investigator and that the duty to report continues until the
1311 | investigation is closed.

1312 | (b) The department's training program shall ensure that
1313 | protective investigators know how to fully inform parents or
1314 | legal custodians of their rights and options, including

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1315 opportunities for audio or video recording of investigators'
1316 interviews with parents or legal custodians or children.

1317 (22) When an investigation is closed and a person is not
1318 identified as a caregiver responsible for the abuse, neglect, or
1319 abandonment alleged in the report, the fact that the person is
1320 named in some capacity in the report may not be used in any way
1321 to adversely affect the interests of that person. This
1322 prohibition applies to any use of the information in employment
1323 screening, licensing, child placement, adoption, or any other
1324 decisions by a private adoption agency or a state agency or its
1325 contracted providers, except that a previous report may be used
1326 to determine whether a child is safe and what the known risk is
1327 to the child at any stage of a child protection proceeding.

1328 (23) If, after having been notified of the requirement to
1329 report a change in residence or location of the child to the
1330 protective investigator, a parent or legal custodian causes the
1331 child to move, or allows the child to be moved, to a different
1332 residence or location, or if the child leaves the residence on
1333 his or her own accord and the parent or legal custodian does not
1334 notify the protective investigator of the move within 2 business
1335 days, the child may be considered to be a missing child for the
1336 purposes of filing a report with a law enforcement agency under
1337 s. 937.021.

1338 Section 9. Subsection (2) of section 39.303, Florida
1339 Statutes, is amended to read:

1340 39.303 Child protection teams; services; eligible
1341 cases.--The Children's Medical Services Program in the
1342 Department of Health shall develop, maintain, and coordinate the

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1343 | services of one or more multidisciplinary child protection teams
 1344 | in each of the service districts of the Department of Children
 1345 | and Family Services. Such teams may be composed of appropriate
 1346 | representatives of school districts and appropriate health,
 1347 | mental health, social service, legal service, and law
 1348 | enforcement agencies. The Legislature finds that optimal
 1349 | coordination of child protection teams and sexual abuse
 1350 | treatment programs requires collaboration between the Department
 1351 | of Health and the Department of Children and Family Services.
 1352 | The two departments shall maintain an interagency agreement that
 1353 | establishes protocols for oversight and operations of child
 1354 | protection teams and sexual abuse treatment programs. The
 1355 | Secretary of Health and the Deputy Secretary for Children's
 1356 | Medical Services, in consultation with the Secretary of Children
 1357 | and Family Services, shall maintain the responsibility for the
 1358 | screening, employment, and, if necessary, the termination of
 1359 | child protection team medical directors, at headquarters and in
 1360 | the 15 districts. Child protection team medical directors shall
 1361 | be responsible for oversight of the teams in the districts.

1362 | (2) The child abuse, abandonment, and neglect reports that
 1363 | must be referred by the department ~~of Children and Family~~
 1364 | ~~Services~~ to child protection teams of the Department of Health
 1365 | for an assessment and other appropriate available support
 1366 | services as set forth in subsection (1) must include cases
 1367 | involving:

1368 | (a) Injuries to the head, bruises to the neck or head,
 1369 | burns, or fractures in a child of any age.

1370 | (b) Bruises anywhere on a child 5 years of age or under.

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1371 (c) Any report alleging sexual abuse of a child ~~in which~~
1372 ~~vaginal or anal penetration is alleged or in which other~~
1373 ~~unlawful sexual conduct has been determined to have occurred.~~

1374 (d) Any sexually transmitted disease in a prepubescent
1375 child.

1376 (e) Reported malnutrition of a child and failure of a
1377 child to thrive.

1378 (f) Reported medical neglect of a child.

1379 (g) Any family in which one or more children have been
1380 pronounced dead on arrival at a hospital or other health care
1381 facility, or have been injured and later died, as a result of
1382 suspected abuse, abandonment, or neglect, when any sibling or
1383 other child remains in the home.

1384 (h) Symptoms of serious emotional problems in a child when
1385 emotional or other abuse, abandonment, or neglect is suspected.

1386 Section 10. Subsections (10) and (16) of section 39.402,
1387 Florida Statutes, are amended, and subsections (17) and (18) are
1388 added to that section, to read:

1389 39.402 Placement in a shelter.--

1390 (10) (a) The shelter hearing order shall contain a written
1391 determination as to whether the department has made a reasonable
1392 effort to prevent or eliminate the need for removal or continued
1393 removal of the child from the home. This determination must
1394 include a description of which specific services, if available,
1395 could prevent or eliminate the need for removal or continued
1396 removal from the home and the date by which the services are
1397 expected to become available.

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1398 (b) If services are not available to prevent or eliminate
 1399 the need for removal or continued removal of the child from the
 1400 home, the written determination must also contain a explanation
 1401 describing why the services are not available for the child.

1402 (c) If the department has not made ~~such~~ an effort to
 1403 prevent or eliminate the need for removal, the court shall order
 1404 the department to provide appropriate and available services to
 1405 ensure the protection of the child in the home when the ~~such~~
 1406 services are necessary for the child's health and safety.

1407 (16) At the conclusion of a shelter hearing, the court
 1408 shall:

1409 (a) Notify all parties in writing of the next scheduled
 1410 hearing to review the shelter placement. ~~The Such~~ hearing shall
 1411 be held no later than 30 days after placement of the child in
 1412 shelter status, in conjunction with the arraignment hearing, and
 1413 at such times as are otherwise provided by law or determined by
 1414 the court to be necessary; and-

1415 (b) Notify all parties in writing of the date, time, and
 1416 place of the case plan conference, family team conference, or
 1417 mediation that will be used to develop the case plan. The case
 1418 plan conference, family team conference, or mediation must take
 1419 place no later than 30 days after placing the child in shelter
 1420 status.

1421 (17) At the shelter hearing, the court shall inquire of
 1422 the parent whether the parent has relatives who might be
 1423 considered as a placement for the child. The parent shall
 1424 provide to the court and all parties identification and location
 1425 information regarding the relatives. The court shall advise the

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1426 parent that the parent has a continuing duty to inform the
 1427 department of any relative who should be considered as a
 1428 placement for the child.

1429 (18) The court shall advise the parents that, if the
 1430 parents fail to substantially comply with the case plan, their
 1431 parental rights may be terminated and that the child's out-of-
 1432 home placement may become permanent.

1433 Section 11. Present subsections (7) and (8) of section
 1434 39.507, Florida Statutes, are redesignated as subsections (8)
 1435 and (9), respectively, and a new subsection (7) is added to that
 1436 section, to read:

1437 39.507 Adjudicatory hearings; orders of adjudication.--

1438 (7) If a court adjudicates a child dependent and the child
 1439 is in out-of-home care, the court shall inquire of the parent or
 1440 parents whether the parents have relatives who might be
 1441 considered as a placement for the child. The court shall advise
 1442 the parents that, if the parents fail to substantially comply
 1443 with the case plan, their parental rights may be terminated and
 1444 that the child's out-of-home placement may become permanent. The
 1445 parent or parents shall provide to the court and all parties
 1446 identification and location information of the relatives.

1447 Section 12. Paragraph (c) of subsection (1) and paragraph
 1448 (a) of subsection (2) of section 39.5085, Florida Statutes, are
 1449 amended to read:

1450 39.5085 Relative Caregiver Program.--

1451 (1) It is the intent of the Legislature in enacting this
 1452 section to:

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1453 (c) Recognize that permanency in the best interests of the
1454 child can be achieved through a variety of permanency options,
1455 including permanent guardianship under s. 39.6221 if the
1456 guardian is a relative, permanent placement with a fit and
1457 willing relative ~~long term relative custody~~, guardianship under
1458 chapter 744, or adoption, by providing additional placement
1459 options and incentives that will achieve permanency and
1460 stability for many children who are otherwise at risk of foster
1461 care placement because of abuse, abandonment, or neglect, but
1462 who may successfully be able to be placed by the dependency
1463 court in the care of such relatives.

1464 (2) (a) The Department of Children and Family Services
1465 shall establish and operate the Relative Caregiver Program under
1466 ~~pursuant to~~ eligibility guidelines established in this section
1467 as further implemented by rule of the department. The Relative
1468 Caregiver Program shall, within the limits of available funding,
1469 provide financial assistance to:

1470 1. Relatives who are within the fifth degree by blood or
1471 marriage to the parent or stepparent of a child and who are
1472 caring full-time for that dependent child in the role of
1473 substitute parent as a result of a court's determination of
1474 child abuse, neglect, or abandonment and subsequent placement
1475 with the relative under ~~pursuant to~~ this chapter.

1476 2. Relatives who are within the fifth degree by blood or
1477 marriage to the parent or stepparent of a child and who are
1478 caring full-time for that dependent child, and a dependent half-
1479 brother or half-sister of that dependent child, in the role of
1480 substitute parent as a result of a court's determination of

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1481 child abuse, neglect, or abandonment and subsequent placement
1482 with the relative under ~~pursuant to~~ this chapter.

1483
1484 The ~~Such~~ placement may be either court-ordered temporary legal
1485 custody to the relative under protective supervision of the
1486 department under ~~pursuant to~~ s. 39.521(1)(b)3., or court-ordered
1487 placement in the home of a relative as a permanency option under
1488 s. 39.6221 or s. 39.6231, or under former ~~pursuant to~~ s. 39.622.

1489 The Relative Caregiver Program shall offer financial assistance
1490 to caregivers who are relatives and who would be unable to serve
1491 in that capacity without the relative caregiver payment because
1492 of financial burden, thus exposing the child to the trauma of
1493 placement in a shelter or in foster care.

1494 Section 13. Paragraph (d) of subsection (1) of section
1495 39.521, Florida Statutes, is amended to read:

1496 39.521 Disposition hearings; powers of disposition.--

1497 (1) A disposition hearing shall be conducted by the court,
1498 if the court finds that the facts alleged in the petition for
1499 dependency were proven in the adjudicatory hearing, or if the
1500 parents or legal custodians have consented to the finding of
1501 dependency or admitted the allegations in the petition, have
1502 failed to appear for the arraignment hearing after proper
1503 notice, or have not been located despite a diligent search
1504 having been conducted.

1505 (d) The court shall, in its written order of disposition,
1506 include all of the following:

- 1507 1. The placement or custody of the child.
- 1508 2. Special conditions of placement and visitation.

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1509 3. Evaluation, counseling, treatment activities, and other
1510 actions to be taken by the parties, if ordered.

1511 4. The persons or entities responsible for supervising or
1512 monitoring services to the child and parent.

1513 5. Continuation or discharge of the guardian ad litem, as
1514 appropriate.

1515 6. The date, time, and location of the next scheduled
1516 review hearing, which must occur within the earlier of:

- 1517 a. Ninety days after the disposition hearing;
- 1518 b. Ninety days after the court accepts the case plan;
- 1519 c. Six months after the date of the last review hearing;

1520 or

1521 d. Six months after the date of the child's removal from
1522 his or her home, if no review hearing has been held since the
1523 child's removal from the home.

1524 7. If the child is in an out-of-home placement, child
1525 support to be paid by the parents, or the guardian of the
1526 child's estate if possessed of assets which under law may be
1527 disbursed for the care, support, and maintenance of the child.
1528 The court may exercise jurisdiction over all child support
1529 matters, shall adjudicate the financial obligation, including
1530 health insurance, of the child's parents or guardian, and shall
1531 enforce the financial obligation as provided in chapter 61. The
1532 state's child support enforcement agency shall enforce child
1533 support orders under this section in the same manner as child
1534 support orders under chapter 61. Placement of the child shall
1535 not be contingent upon issuance of a support order.

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1536 8.a. If the court does not commit the child to the
1537 temporary legal custody of an adult relative, legal custodian,
1538 or other adult approved by the court, the disposition order
1539 shall include the reasons for such a decision and shall include
1540 a determination as to whether diligent efforts were made by the
1541 department to locate an adult relative, legal custodian, or
1542 other adult willing to care for the child in order to present
1543 that placement option to the court instead of placement with the
1544 department.

1545 b. If ~~diligent efforts are made to locate an adult~~
1546 ~~relative willing and able to care for the child but,~~ because no
1547 suitable relative is found and, the child is placed with the
1548 department or a legal custodian or other adult approved by the
1549 court, both the department and the court shall consider
1550 transferring temporary legal custody to an adult relative
1551 approved by the court at a later date, but neither the
1552 department nor the court is obligated to so place the child if
1553 it is in the child's best interest to remain in the current
1554 placement.

1555
1556 For the purposes of this subparagraph, "diligent efforts to
1557 locate an adult relative" means a search similar to the diligent
1558 search for a parent, but without the continuing obligation to
1559 search after an initial adequate search is completed.

1560 9. Other requirements necessary to protect the health,
1561 safety, and well-being of the child, to preserve the stability
1562 of the child's educational placement, and to promote family
1563 preservation or reunification whenever possible.

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1564 Section 14. Subsection (1) of section 39.522, Florida
1565 Statutes, is amended to read:

1566 39.522 Postdisposition change of custody.--The court may
1567 change the temporary legal custody or the conditions of
1568 protective supervision at a postdisposition hearing, without the
1569 necessity of another adjudicatory hearing.

1570 (1) A child who has been placed in the child's own home
1571 under the protective supervision of an authorized agent of the
1572 department, in the home of a relative, in the home of a legal
1573 custodian, or in some other place may be brought before the
1574 court by the department or by any other interested person, upon
1575 the filing of a petition alleging a need for a change in the
1576 conditions of protective supervision or the placement. If the
1577 parents or other legal custodians deny the need for a change,
1578 the court shall hear all parties in person or by counsel, or
1579 both. Upon the admission of a need for a change or after such
1580 hearing, the court shall enter an order changing the placement,
1581 modifying the conditions of protective supervision, or
1582 continuing the conditions of protective supervision as ordered.
1583 The standard for changing custody of the child shall be the best
1584 interest of the child. When applying this standard, the court
1585 shall consider the continuity of the child's placement in the
1586 same out-of-home residence as a factor when determining the best
1587 interest of the child. If the child is not placed in foster
1588 care, then the new placement for the child must meet the home
1589 study criteria and court approval pursuant to this chapter.

1590 Section 15. Section 39.6011, Florida Statutes, is created
1591 to read:

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

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1592 39.6011 Case plan development.--

1593 (1) The department shall prepare a draft of the case plan
1594 for each child receiving services under this chapter. A parent
1595 of a child may not be threatened or coerced with the loss of
1596 custody or parental rights for failing to admit in the case plan
1597 to abusing, neglecting, or abandoning a child. Participating in
1598 the development of a case plan is not an admission to any
1599 allegation of abuse, abandonment, or neglect, and it is not a
1600 consent to a finding of dependency or termination of parental
1601 rights. The case plan shall be developed subject to the
1602 following requirements:

1603 (a) The case plan must be developed in a face-to-face
1604 conference with the parent of the child, any court-appointed
1605 guardian ad litem, and, if appropriate, the child and the
1606 temporary custodian of the child. The conference to prepare a
1607 case plan must be scheduled under s. 39.402(16)(b) and must be
1608 conducted according to one of the following procedures:

1609 1. A case plan conference that is a meeting among the
1610 parties described in this subsection.

1611 2. A mediation if dependency mediation services are
1612 available and appropriate and in the best interest of the child.

1613 3. A family team conference if a family team conference is
1614 available.

1615 (b) The parent may receive assistance from any person or
1616 social service agency in preparing the case plan. The social
1617 service agency, the department, and the court, when applicable,
1618 shall inform the parent of the right to receive such assistance,
1619 including the right to assistance of counsel.

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1620 (c) If a parent is unwilling or unable to participate in
1621 developing a case plan, the department shall document that
1622 unwillingness or inability to participate. The documentation
1623 must be provided in writing to the parent when available for the
1624 court record, and the department shall prepare a case plan
1625 conforming as nearly as possible with the requirements set forth
1626 in this section. The unwillingness or inability of the parent to
1627 participate in developing a case plan does not preclude the
1628 filing of a petition for dependency or for termination of
1629 parental rights. The parent, if available, must be provided a
1630 copy of the case plan and be advised that he or she may, at any
1631 time before the filing of a petition for termination of parental
1632 rights, enter into a case plan and that he or she may request
1633 judicial review of any provision of the case plan with which he
1634 or she disagrees at any court hearing set for the child.

1635 (2) The case plan must be written simply and clearly in
1636 English and, if English is not the principal language of the
1637 child's parent, to the extent possible in the parent's principal
1638 language. Each case plan must contain:

1639 (a) A description of the identified problem being
1640 addressed, including the parent's behavior or acts resulting in
1641 risk to the child and the reason for the intervention by the
1642 department.

1643 (b) The permanency goal as defined in s. 39.01(51).

1644 (c) If concurrent planning is being used, a description of
1645 the permanency goal of reunification with the parent or legal
1646 custodian in addition to a description of one of the remaining
1647 permanency goals described in s. 39.01(51).

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1648 (d) The date the compliance period expires. The case plan
1649 must be limited to as short a period as possible for
1650 accomplishing its provisions. The plan's compliance period
1651 expires no later than 12 months after the date the child was
1652 initially removed from the home or the date the case plan was
1653 accepted by the court, whichever occurs sooner.

1654 (e) A written notice to the parent that failure of the
1655 parent to substantially comply with the case plan may result in
1656 the termination of parental rights and that a material breach of
1657 the case plan may result in the filing of a petition for
1658 termination of parental rights sooner than the compliance period
1659 set forth in the case plan.

1660 (3) The case plan must be signed by all parties, except
1661 that the signature of a child may be waived if the child is not
1662 of an age or capacity to participate in the case planning
1663 process. Signing the case plan constitutes an acknowledgement
1664 that the case plan has been developed by the parties and that
1665 they are in agreement as to the terms and conditions contained
1666 in the case plan. The refusal of a parent to sign the case plan
1667 does not prevent the court from accepting the case plan if the
1668 case plan is otherwise acceptable to the court. Signing the case
1669 plan does not constitute an admission to any allegation of
1670 abuse, abandonment, or neglect and does not constitute consent
1671 to a finding of dependency or termination of parental rights.
1672 Before signing the case plan, the department shall explain the
1673 provisions of the plan to all persons involved in its
1674 implementation, including, when appropriate, the child.

1675 (4) The case plan must describe:

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1676 (a) The role of the foster parents or legal custodians
1677 when developing the services that are to be provided to the
1678 child, foster parents, or legal custodians.

1679 (b) The minimum number of face-to-face meetings to be held
1680 each month between the parents and the department's family
1681 services counselors to review the progress of the plan, to
1682 eliminate barriers to progress, and to resolve conflicts or
1683 disagreements.

1684 (c) The parent's responsibility for financial support of
1685 the child, including, but not limited to, health insurance and
1686 child support. The case plan must list the costs associated with
1687 any services or treatment that the parent and child are expected
1688 to receive which are the financial responsibility of the parent.
1689 The determination of child support and other financial support
1690 shall be made independently of any determination of indigency
1691 under s. 39.013.

1692 (5) When the permanency goal for a child is adoption, the
1693 case plan must include documentation of the steps the agency is
1694 taking to find an adoptive family or other permanent living
1695 arrangement for the child. At a minimum, the documentation shall
1696 include recruitment efforts that are specific to the child, such
1697 as the use of state, regional, and national adoption exchanges,
1698 including electronic exchange systems.

1699 (6) After the case plan has been developed, the department
1700 shall adhere to the following procedural requirements:

1701 (a) If the parent's substantial compliance with the case
1702 plan requires the department to provide services to the parents
1703 or the child and the parents agree to begin compliance with the

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1704 case plan before the case plan's acceptance by the court, the
1705 department shall make the appropriate referrals for services
1706 that will allow the parents to immediately begin the agreed upon
1707 tasks and services.

1708 (b) After the case plan has been agreed upon and signed by
1709 the parties, a copy of the plan must immediately be given to the
1710 parties, including the child, if appropriate, and to other
1711 persons as directed by the court.

1712 1. A case plan must be prepared, but need not be submitted
1713 to the court, for a child who will be in care no longer than 30
1714 days unless that child is placed in out-of-home care a second
1715 time within a 12-month period.

1716 2. In each case in which a child has been placed in out-
1717 of-home care, a case plan must be prepared within 60 days after
1718 the department removes the child from the home and shall be
1719 submitted to the court before the disposition hearing for the
1720 court to review and approve.

1721 3. After jurisdiction attaches, all case plans must be
1722 filed with the court and a copy provided to all the parties
1723 whose whereabouts are known not less than 3 business days before
1724 the disposition hearing. The department shall file with the
1725 court, and provide copies to the parties, all case plans
1726 prepared before jurisdiction of the court attached.

1727 (7) The case plan must be filed with the court and copies
1728 provided to all parties, including the child, if appropriate,
1729 not less than 3 business days before the disposition hearing.

1730 (8) The case plan must describe a process for making
1731 available to all physical custodians and family services

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1732 counselors the information required by s. 39.6012(2) and for
 1733 ensuring that this information follows the child until
 1734 permanency has been achieved.

1735 Section 16. Section 39.6012, Florida Statutes, is created
 1736 to read:

1737 39.6012 Case plan tasks; services.--

1738 (1) The services to be provided to the parent and the
 1739 tasks that must be completed are subject to the following:

1740 (a) The services described in the case plan must be
 1741 designed to improve the conditions in the home and aid in
 1742 maintaining the child in the home, facilitate the child's safe
 1743 return to the home, ensure proper care of the child, or
 1744 facilitate the child's permanent placement. The services offered
 1745 must be the least intrusive possible into the life of the parent
 1746 and child, must focus on clearly defined objectives, and must
 1747 provide the most efficient path to quick reunification or
 1748 permanent placement given the circumstances of the case and the
 1749 child's need for safe and proper care.

1750 (b) The case plan must describe each of the tasks with
 1751 which the parent must comply and the services to be provided to
 1752 the parent, specifically addressing the identified problem,
 1753 including:

- 1754 1. The type of services or treatment.
- 1755 2. The date the department will provide each service or
 1756 referral for the service if the service is being provided by the
 1757 department or its agent.
- 1758 3. The date by which the parent must complete each task.

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1759 4. The frequency of services or treatment provided. The
1760 frequency of the delivery of services or treatment provided
1761 shall be determined by the professionals providing the services
1762 or treatment on a case-by-case basis and adjusted according to
1763 their best professional judgment.

1764 5. The location of the delivery of the services.

1765 6. The staff of the department or service provider
1766 accountable for the services or treatment.

1767 7. A description of the measurable objectives, including
1768 the timeframes specified for achieving the objectives of the
1769 case plan and addressing the identified problem.

1770 (2) The case plan must include all available information
1771 relevant to the child's care, including, at a minimum:

1772 (a) A description of the identified needs of the child
1773 while in care.

1774 (b) A description of the plan for ensuring that the child
1775 receives safe and proper care and that services are provided to
1776 the child in order to address the child's needs. To the extent
1777 available and accessible, the following health, mental health,
1778 and education information and records of the child must be
1779 attached to the case plan and updated throughout the judicial
1780 review process:

1781 1. The names and addresses of the child's health, mental
1782 health, and education providers.

1783 2. The child's grade-level performance.

1784 3. The child's school record.

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1785 4. Assurances that the child's placement takes into
 1786 account proximity to the school in which the child is enrolled
 1787 at the time of placement.

1788 5. A record of the child's immunizations.

1789 6. The child's known medical history, including any known
 1790 problems.

1791 7. The child's medications, if any.

1792 8. Any other relevant health, mental health, and education
 1793 information concerning the child.

1794 (3) In addition to any other requirement, if the child is
 1795 in an out-of-home placement, the case plan must include:

1796 (a) A description of the type of placement in which the
 1797 child is to be living.

1798 (b) A description of the parent's visitation rights and
 1799 obligations and the plan for sibling visitation if the child has
 1800 siblings and is separated from them.

1801 (c) When appropriate, for a child who is 13 years of age
 1802 or older, a written description of the programs and services
 1803 that will help the child prepare for the transition from foster
 1804 care to independent living.

1805 (d) A discussion of the safety and the appropriateness of
 1806 the child's placement, which placement is intended to be safe,
 1807 the least restrictive and the most family-like setting available
 1808 consistent with the best interest and special needs of the
 1809 child, and in as close proximity as possible to the child's
 1810 home.

1811 Section 17. Section 39.6013, Florida Statutes, is created
 1812 to read:

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1813 39.6013 Case plan amendments.--

1814 (1) After the case plan has been developed under s.
1815 39.6011, the tasks and services agreed upon in the plan may not
1816 be changed or altered in any way except as provided in this
1817 section.

1818 (2) The case plan may be amended at any time in order to
1819 change the goal of the plan, employ the use of concurrent
1820 planning, add or remove tasks the parent must complete to
1821 substantially comply with the plan, provide appropriate services
1822 for the child, and update the child's health, mental health, and
1823 education records required by s. 39.6012.

1824 (3) The case plan may be amended upon approval of the
1825 court if all parties are in agreement regarding the amendments
1826 to the plan and the amended plan is signed by all parties and
1827 submitted to the court with a memorandum of explanation.

1828 (4) The case plan may be amended by the court or upon
1829 motion of any party at any hearing to change the goal of the
1830 plan, employ the use of concurrent planning, or add or remove
1831 tasks the parent must complete in order to substantially comply
1832 with the plan if there is a preponderance of evidence
1833 demonstrating the need for the amendment. The need to amend the
1834 case plan may be based on information discovered or
1835 circumstances arising after the approval of the case plan for:

1836 (a) A previously unaddressed condition that, without
1837 services, may prevent the child from safely returning to the
1838 home or may prevent the child from safely remaining in the home;

1839 (b) The child's need for permanency, taking into
1840 consideration the child's age and developmental needs;

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1841 (c) The failure of a party to substantially comply with a
 1842 task in the original case plan, including the ineffectiveness of
 1843 a previously offered service; or

1844 (d) An error or oversight in the case plan.

1845 (5) The case plan may be amended by the court or upon the
 1846 motion of any party at any hearing to provide appropriate
 1847 services to the child if there is competent evidence
 1848 demonstrating the need for the amendment. The reason for
 1849 amending the case plan may be based on information discovered or
 1850 circumstances arising after the approval of the case plan
 1851 regarding the provision of safe and proper care to the child.

1852 (6) The case plan is deemed amended as to the child's
 1853 health, mental health, and education records required by s.
 1854 39.6012 when the child's updated health, mental health, and
 1855 education records are filed by the department under s.
 1856 39.701(7) (a) .

1857 (7) Amendments must include service interventions that are
 1858 the least intrusive into the life of the parent and child, must
 1859 focus on clearly defined objectives, and must provide the most
 1860 efficient path to quick reunification or permanent placement
 1861 given the circumstances of the case and the child's need for
 1862 safe and proper care. A copy of the amended plan must
 1863 immediately be given to the persons identified in s. 39.6011.

1864 Section 18. Subsections (1) and (2) of section 39.603,
 1865 Florida Statutes, are amended to read:

1866 39.603 Court approvals of case planning.--

1867 (1) All case plans and amendments to case plans must be
 1868 approved by the court. At the hearing on the case plan, which

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1869 shall occur in conjunction with the disposition hearing unless
1870 otherwise directed by the court, the court shall determine:

1871 (a) All parties who were notified and are in attendance at
1872 the hearing, either in person or through a legal representative.
1873 The court may appoint a guardian ad litem under Rule 1.210,
1874 Florida Rules of Civil Procedure, to represent the interests of
1875 any parent, if the location of the parent is known but the
1876 parent is not present at the hearing and the development of the
1877 plan is based upon the physical, emotional, or mental condition
1878 or physical location of the parent.

1879 (b) If the plan is consistent with previous orders of the
1880 court placing the child in care.

1881 (c) If the plan is consistent with the requirements for
1882 the content of a plan as specified in this chapter.

1883 (d) In involuntary placements, whether each parent was
1884 notified of the right to counsel at each stage of the dependency
1885 proceedings, in accordance with the Florida Rules of Juvenile
1886 Procedure.

1887 (e) Whether each parent whose location was known was
1888 notified of the right to participate in the preparation of a
1889 case plan and of the right to receive assistance from any other
1890 person in the preparation of the case plan.

1891 (f) Whether the plan is meaningful and designed to address
1892 facts and circumstances upon which the court based the finding
1893 of dependency in involuntary placements or the plan is
1894 meaningful and designed to address facts and circumstances upon
1895 which the child was placed in out-of-home care voluntarily.

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1896 (2) When the court determines that any of the elements
1897 considered at the hearing related to the plan have not been met,
1898 the court shall require the parties to make necessary amendments
1899 to the plan under s. 39.6013. The amended plan must be submitted
1900 to the court for review and approval within 30 days after the
1901 hearing. A copy of the amended plan must also be provided to
1902 each party, if the location of the party is known, at least 3
1903 business days before ~~72 hours prior to~~ filing with the court.

1904 Section 19. Section 39.621, Florida Statutes, is amended
1905 to read:

1906 39.621 Permanency determination by the court.--

1907 (1) The Legislature finds that time is of the essence for
1908 permanency of children in the dependency system. A permanency
1909 hearing must be held no later than 12 months after the date the
1910 child was removed from the home or no later than 30 days after a
1911 court determines that reasonable efforts to return a child to
1912 either parent are not required, whichever occurs first. The
1913 purpose of the permanency hearing is to determine when the child
1914 will achieve the permanency goal or whether modifying the
1915 current goal is in the best interest of the child. A permanency
1916 hearing must be held at least every 12 months for any child who
1917 continues to receive supervision from the department or awaits
1918 adoption. When the court has determined that reunification with
1919 either parent is not appropriate, then the court must make a
1920 permanency determination for the child.

1921 (2) The permanency goals available under this chapter are:

1922 (a) Reunification;

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1923 (b) Adoption, if a petition for termination of parental
 1924 rights has been or will be filed;
 1925 (c) Permanent guardianship of a dependent child under s.
 1926 39.6221;
 1927 (d) Permanent placement with a fit and willing relative
 1928 under s. 39.6231; or
 1929 (e) Placement in another planned permanent living
 1930 arrangement under s. 39.6241.
 1931 (3) (a) At least 3 business days before the permanency
 1932 hearing, the department shall file its judicial review social
 1933 services report with the court and provide copies of the report
 1934 to all parties. The report must include a recommended permanency
 1935 goal for the child, suggest changes to the case plan, if needed,
 1936 and describe why the recommended goal is in the best interest of
 1937 the child.
 1938 (b) Before the permanency hearing, the department shall
 1939 advise the child and the individuals with whom the child will be
 1940 placed about the availability of more permanent and legally
 1941 secure placements and what type of financial assistance is
 1942 associated with each placement.
 1943 (4) At the permanency hearing, the court shall determine:
 1944 (a) Whether the current permanency goal for the child is
 1945 appropriate or should be changed.
 1946 (b) When the child will achieve one of the permanency
 1947 goals.
 1948 (c) Whether the department has made reasonable efforts to
 1949 finalize the permanency plan currently in effect.

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1950 (5) The best interest of the child is the primary
1951 consideration in determining the permanency goal for the child.
1952 The court must also consider:

1953 (a) The reasonable preference of the child if the court
1954 has found the child to be of sufficient intelligence,
1955 understanding, and experience to express a preference.

1956 (b) Any recommendation of the guardian ad litem.

1957 (6) (a) ~~(2)~~ If a child will not be reunited with a parent,
1958 adoption, under ~~pursuant to~~ chapter 63, is the primary
1959 permanency option available to the court. If the child is placed
1960 with a relative or with a relative of the child's half-brother
1961 or half-sister as a permanency option, the court may ~~shall~~
1962 recognize the permanency of this placement without requiring the
1963 relative to adopt the child.

1964 (b) If the court approves a permanency goal of permanent
1965 guardianship of a dependent child, placement with a fit and
1966 willing relative, or another planned permanent living
1967 arrangement, the court shall make findings as to why this
1968 permanent placement is established without adoption of the child
1969 to follow. If the court approves a permanency goal of another
1970 planned permanent living arrangement, the court shall document
1971 the compelling reasons for choosing this goal.

1972 (7) The findings of the court regarding reasonable efforts
1973 to finalize the permanency plan must be explicitly documented,
1974 made on a case-by-case basis, and stated in the court order.

1975 (8) The case plan must list the tasks necessary to
1976 finalize the permanency placement and shall be updated at the
1977 permanency hearing if necessary. If a concurrent case plan is in

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1978 | place, the court may choose between the permanency goal options
 1979 | presented and shall approve the goal that is in the child's best
 1980 | interest.

1981 | (9) The permanency placement is intended to continue until
 1982 | the child reaches the age of majority and may not be disturbed
 1983 | absent a finding by the court that the circumstances of the
 1984 | permanency placement are no longer in the best interest of the
 1985 | child. If a parent who has not had his or her parental rights
 1986 | terminated makes a motion for reunification or increased contact
 1987 | with the child, the court shall hold a hearing to determine
 1988 | whether the dependency case should be reopened and whether there
 1989 | should be a modification of the order. At the hearing, the
 1990 | parent must demonstrate that the safety, well-being, and
 1991 | physical, mental, and emotional health of the child is not
 1992 | endangered by the modification.

1993 | (10) The court shall base its decision concerning any
 1994 | motion by a parent for reunification or increased contact with a
 1995 | child on the effect of the decision on the safety, well-being,
 1996 | and physical and emotional health of the child. Factors that
 1997 | must be considered and addressed in the findings of fact of the
 1998 | order on the motion must include:

1999 | (a) The compliance or noncompliance of the parent with the
 2000 | case plan.

2001 | (b) The circumstances which caused the child's dependency
 2002 | and whether those circumstances have been resolved.

2003 | (c) The stability and longevity of the child's placement;

2004 | (d) The preferences of the child, if the child is of
 2005 | sufficient age and understanding to express a preference;

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2006 (e) The recommendation of the current custodian.

2007 (f) The recommendation of the guardian ad litem, if one

2008 has been appointed.

2009 (11) Placement of a child in a permanent guardianship,

2010 with a fit and willing relative, or in another planned permanent

2011 living arrangement does not terminate the parent-child

2012 relationship, including, but not limited to:

2013 (a) The right of the child to inherit from his or her

2014 parents;

2015 (b) The parents' right to consent to the child's adoption;

2016 or

2017 (c) The parents' responsibility to provide financial,

2018 medical, and other support for the child as ordered by the

2019 court.

2020 ~~(3) The permanency options listed in the following~~

2021 ~~paragraphs shall only be considered by the court if adoption is~~

2022 ~~determined by the court to not be in the child's best interest,~~

2023 ~~except as otherwise provided in subsection (2):~~

2024 ~~(a) Guardianship pursuant to chapter 744.~~

2025 ~~(b) Long term custody.~~

2026 ~~(c) Long term licensed custody.~~

2027 ~~(d) Independent living.~~

2028

2029 ~~The permanency placement is intended to continue until the child~~

2030 ~~reaches the age of majority and shall not be disturbed absent a~~

2031 ~~finding by the court that the circumstances of the permanency~~

2032 ~~placement are no longer in the best interest of the child.~~

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2033 Section 20. Section 39.6221, Florida Statutes, is created
2034 to read:

2035 39.6221 Permanent guardianship of a dependent child.--

2036 (1) If a court determines that reunification or adoption
2037 is not in the best interest of the child, the court may place
2038 the child in a permanent guardianship with a relative or other
2039 adult approved by the court if all of the following conditions
2040 are met:

2041 (a) The child has been in the placement for not less than
2042 the preceding 6 months.

2043 (b) The permanent guardian is suitable and able to provide
2044 a safe and permanent home for the child.

2045 (c) The court determines that the child and the relative
2046 or other adult are not likely to need supervision or services of
2047 the department to ensure the stability of the permanent
2048 guardianship.

2049 (d) The permanent guardian has made a commitment to
2050 provide for the child until the child reaches the age of
2051 majority and to prepare the child for adulthood and
2052 independence.

2053 (e) The permanent guardian agrees to give notice of any
2054 change in his or her residential address or the residence of the
2055 child by filing a written document in the dependency file of the
2056 child with the clerk of the court.

2057 (2) In its written order establishing a permanent
2058 guardianship, the court shall:

2059 (a) List the circumstances or reasons the child's parents
2060 are not fit to care for the child and why reunification is not

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2061 possible by referring to specific findings of fact made in its
2062 order adjudicating the child dependent or by making separate
2063 findings of fact.

2064 (b) State the reasons a permanent guardianship is being
2065 established instead of adoption.

2066 (c) Specify the frequency and nature of visitation or
2067 contact between the child and his or her parents.

2068 (d) Specify the frequency and nature of visitation or
2069 contact between the child and his or her grandparents, under s.
2070 39.509.

2071 (e) Specify the frequency and nature of visitation or
2072 contact between the child and his or her siblings.

2073 (f) Require that the permanent guardian not return the
2074 child to the physical care and custody of the person from whom
2075 the child was removed without the approval of the court.

2076 (3) The court shall give the permanent guardian a separate
2077 order establishing the authority of the permanent guardian to
2078 care for the child, specifying what powers and duties listed in
2079 paragraph (2)(g) belong to the permanent guardian, and providing
2080 any other information the court deems proper which can be
2081 provided to persons who are not parties to the proceeding as
2082 necessary, notwithstanding the confidentiality provisions of s.
2083 39.202.

2084 (4) A permanent guardianship of a dependent child
2085 established under this chapter is not a plenary guardianship and
2086 is not subject to the requirements of chapter 744.

2087 (5) The court shall retain jurisdiction over the case and
2088 the child shall remain in the custody of the permanent guardian

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2089 unless the order creating the permanent guardianship is modified
 2090 by the court. The court shall discontinue regular review
 2091 hearings and relieve the department of the responsibility for
 2092 supervising the placement of the child. Notwithstanding the
 2093 retention of jurisdiction, the placement shall be considered
 2094 permanency for the child.

2095 (6) Placement of a child in a permanent guardianship does
 2096 not terminate the parent-child relationship, including:

2097 (a) The right of the child to inherit from his or her
 2098 parents.

2099 (b) The parents' right to consent to the child's adoption.

2100 (c) The parents' responsibility to provide financial,
 2101 medical, and other support for the child as ordered by the
 2102 court.

2103 Section 21. Section 39.6231, Florida Statutes, is created
 2104 to read:

2105 39.6231 Permanent placement with a fit and willing
 2106 relative.--

2107 (1) If a court finds that reunification or adoption are
 2108 not in the best interest of a child, the court may place the
 2109 child with a fit and willing relative as a permanency option if:

2110 (a) The child has been in the placement for at least the
 2111 preceding 6 months.

2112 (b) The relative has made a commitment to provide for the
 2113 child until the child reaches the age of majority and to prepare
 2114 the child for adulthood and independence.

2115 (c) The relative is suitable and able to provide a safe
 2116 and permanent home for the child.

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2117 (d) The relative agrees to give notice of any change in
2118 his or her residence or the residence of the child by filing a
2119 written document with the clerk of court.

2120 (2) The department and the guardian ad litem shall provide
2121 the court with a recommended list and description of services
2122 needed by the child and the family in order to ensure the
2123 permanency of the placement.

2124 (3) In its written order placing the child with a fit and
2125 willing relative, the court shall:

2126 (a) List the circumstances or reasons reunification is not
2127 possible by referring to specific findings of fact made in its
2128 order adjudicating the child dependent or by making separate
2129 findings of fact.

2130 (b) State the reasons permanent placement with a fit and
2131 willing relative is being established instead of adoption;

2132 (c) Specify the frequency and nature of visitation or
2133 contact between the child and his or her parents.

2134 (d) Specify the frequency and nature of visitation or
2135 contact between the child and his or her grandparents, under s.
2136 39.509.

2137 (e) Specify the frequency and nature of visitation or
2138 contact between the child and his or her siblings.

2139 (f) Require that the relative not return the child to the
2140 physical care and custody of the person from whom the child was
2141 removed without the approval of the court.

2142 (4) The court shall give the relative a separate order
2143 establishing his or her authority to care for the child and
2144 providing other information the court deems proper which can be

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2145 provided to entities and individuals who are not parties to the
 2146 proceeding as necessary, notwithstanding the confidentiality of
 2147 s. 39.202.

2148 (5) The department shall continue to supervise the
 2149 placement with the relative until further court order. The court
 2150 shall continue to review the placement at least once every 6
 2151 months.

2152 (6) Each party to the proceeding must be advised by the
 2153 department and the court that placement with a fit and willing
 2154 relative does not preclude the possibility of the child
 2155 returning to the custody of the parent.

2156 (7) The court shall continue to conduct permanency
 2157 hearings in order to reevaluate the possibility of adoption or
 2158 permanent guardianship of the child.

2159 Section 22. Section 39.6241, Florida Statutes, is created
 2160 to read:

2161 39.6241 Another planned permanent living arrangement.--

2162 (1) If a court finds that reunification is not in the best
 2163 interest of a child, the court may approve placement of the
 2164 child in another planned permanent living arrangement if:

2165 (a) The court finds a more permanent placement, such as
 2166 adoption, permanent guardianship, or placement with a fit and
 2167 willing relative, is not in the best interest of the child.

2168 (b) The department documents reasons the placement will
 2169 endure and how the proposed arrangement will be more stable and
 2170 secure than ordinary foster care.

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2171 (c) The court finds that the health, safety, and well-
2172 being of the child will not be jeopardized by such an
2173 arrangement.

2174 (d) There are compelling reasons to show that placement in
2175 another planned permanent living arrangement is the most
2176 appropriate permanency goal. Compelling reasons for another
2177 placement may include, but are not limited to:

2178 1. The case of a parent and child who have a significant
2179 bond but the parent is unable to care for the child because of
2180 an emotional or physical disability and the child's foster
2181 parents have committed to raising him or her to the age of
2182 majority and to facilitate visitation with the disabled parent;

2183 2. The case of a child for whom an Indian tribe has
2184 identified another planned permanent living arrangement for the
2185 child; or

2186 3. The case of a foster child who is 16 years of age or
2187 older who chooses to remain in foster care and the child's
2188 foster parents are willing to care for the child until the child
2189 reaches 18 years of age.

2190 (2) The department and the guardian ad litem must provide
2191 the court with a recommended list and description of services
2192 needed by the child, such as independent living services and
2193 medical, dental, educational, or psychological referrals, and a
2194 recommended list and description of services needed by his or
2195 her caregiver.

2196 (3) The department shall continue to supervise the planned
2197 permanent living arrangement until further court order. The

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2198 | court shall continue to review the placement at least once every
 2199 | 6 months.

2200 | Section 23. Paragraphs (a) and (c) of subsection (7),
 2201 | paragraph (g) of subsection (8), and subsection (9) of section
 2202 | 39.701, Florida Statutes, are amended, and paragraph (k) is
 2203 | added to subsection (8) of that section, to read:

2204 | 39.701 Judicial review.--

2205 | (7) (a) Before ~~Prior to~~ every judicial review hearing or
 2206 | citizen review panel hearing, the social service agency shall
 2207 | make an investigation and social study concerning all pertinent
 2208 | details relating to the child and shall furnish to the court or
 2209 | citizen review panel a written report that includes, but is not
 2210 | limited to:

2211 | 1. A description of the type of placement the child is in
 2212 | at the time of the hearing, including the safety of the child
 2213 | and the continuing necessity for and appropriateness of the
 2214 | placement.

2215 | 2. Documentation of the diligent efforts made by all
 2216 | parties to the case plan to comply with each applicable
 2217 | provision of the plan.

2218 | 3. The amount of fees assessed and collected during the
 2219 | period of time being reported.

2220 | 4. The services provided to the foster family or legal
 2221 | custodian in an effort to address the needs of the child as
 2222 | indicated in the case plan.

2223 | 5. A statement that either:

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2224 a. The parent, though able to do so, did not comply
2225 substantially with the ~~provisions of the~~ case plan, and the
2226 agency recommendations;

2227 b. The parent did substantially comply with the ~~provisions~~
2228 ~~of the~~ case plan; or

2229 c. The parent has partially complied with the ~~provisions~~
2230 ~~of the~~ case plan, with a summary of additional progress needed
2231 and the agency recommendations.

2232 6. A statement from the foster parent or legal custodian
2233 providing any material evidence concerning the return of the
2234 child to the parent or parents.

2235 7. A statement concerning the frequency, duration, and
2236 results of the parent-child visitation, if any, and the agency
2237 recommendations for an expansion or restriction of future
2238 visitation.

2239 8. The number of times a child has been removed from his
2240 or her home and placed elsewhere, the number and types of
2241 placements that have occurred, and the reason for the changes in
2242 placement.

2243 9. The number of times a child's educational placement has
2244 been changed, the number and types of educational placements
2245 which have occurred, and the reason for any change in placement.

2246 10. If the child has reached 13 years of age but is not
2247 yet 18 years of age, the results of the preindependent living,
2248 life skills, or independent living assessment; the specific
2249 services needed; and the status of the delivery of the
2250 identified services.

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2251 11. Copies of all medical, psychological, and educational
2252 records that support the terms of the case plan and that have
2253 been produced concerning the ~~child~~, ~~parents~~, or any caregiver
2254 since the last judicial review hearing.

2255 12. Copies of the child's current health, mental health,
2256 and education records as identified in s. 39.6012.

2257 (c) In a case in which the child has been permanently
2258 placed with the social service agency, the agency shall furnish
2259 to the court a written report concerning the progress being made
2260 to place the child for adoption. If the child cannot be placed
2261 for adoption, a report on the progress made by the child towards
2262 alternative permanency goals or placements, including, but not
2263 limited to, guardianship, permanent guardianship under s.
2264 39.6221, permanent placement under s. 39.6231 ~~long term custody,~~
2265 ~~long term licensed custody,~~ or independent living, must be
2266 submitted to the court. The report must be submitted to the
2267 court at least 72 hours before each scheduled judicial review.

2268 (8) The court and any citizen review panel shall take into
2269 consideration the information contained in the social services
2270 study and investigation and all medical, psychological, and
2271 educational records that support the terms of the case plan;
2272 testimony by the social services agency, the parent, the foster
2273 parent or legal custodian, the guardian ad litem if one has been
2274 appointed for the child, and any other person deemed
2275 appropriate; and any relevant and material evidence submitted to
2276 the court, including written and oral reports to the extent of
2277 their probative value. These reports and evidence may be
2278 received by the court in its effort to determine the action to

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2279 | be taken with regard to the child and may be relied upon to the
 2280 | extent of their probative value, even though not competent in an
 2281 | adjudicatory hearing. In its deliberations, the court and any
 2282 | citizen review panel shall seek to determine:

2283 | (g) Whether the child is receiving safe and proper care
 2284 | according to s. 39.6012, including, but not limited to, the
 2285 | appropriateness of the child's current placement, including
 2286 | whether the child is in a setting ~~that~~ ~~which~~ is as family-like
 2287 | and as close to the parent's home as possible, consistent with
 2288 | the child's best interests and special needs, and including
 2289 | maintaining stability in the child's educational placement.

2290 | (k) If amendments to the case plan are required.
 2291 | Amendments to the case plan must be made under s. 39.6013.

2292 | (9) (a) Based upon the criteria set forth in subsection (8)
 2293 | and the recommended order of the citizen review panel, if any,
 2294 | the court shall determine whether or not the social service
 2295 | agency shall initiate proceedings to have a child declared a
 2296 | dependent child, return the child to the parent, continue the
 2297 | child in out-of-home care for a specified period of time, or
 2298 | initiate termination of parental rights proceedings for
 2299 | subsequent placement in an adoptive home. Amendments
 2300 | ~~Modifications~~ to the case plan must be prepared ~~handled~~ as
 2301 | prescribed in s. 39.6013 ~~s. 39.601~~. If the court finds that the
 2302 | prevention or reunification efforts of the department will allow
 2303 | the child to remain safely at home or be safely returned to the
 2304 | home, the court shall allow the child to remain in or return to
 2305 | the home after making a specific finding of fact that the
 2306 | reasons for the creation of the case plan have been remedied to

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2307 the extent that the child's safety, well-being, and physical,
2308 mental, and emotional health will not be endangered.

2309 (b) The court shall return the child to the custody of the
2310 parents at any time it determines that they have substantially
2311 complied with the case plan, if the court is satisfied that
2312 reunification will not be detrimental to the child's safety,
2313 well-being, and physical, mental, and emotional health.

2314 (c) If, in the opinion of the court, the social service
2315 agency has not complied with its obligations as specified in the
2316 written case plan, the court may find the social service agency
2317 in contempt, shall order the social service agency to submit its
2318 plans for compliance with the agreement, and shall require the
2319 social service agency to show why the child could not safely be
2320 returned to the home of the parents.

2321 ~~(d) The court may extend the time limitation of the case~~
2322 ~~plan, or may modify the terms of the plan, based upon~~
2323 ~~information provided by the social service agency, and the~~
2324 ~~guardian ad litem, if one has been appointed, the parent or~~
2325 ~~parents, and the foster parents or legal custodian, and any~~
2326 ~~other competent information on record demonstrating the need for~~
2327 ~~the amendment. If the court extends the time limitation of the~~
2328 ~~case plan, the court must make specific findings concerning the~~
2329 ~~frequency of past parent child visitation, if any, and the court~~
2330 ~~may authorize the expansion or restriction of future visitation.~~
2331 ~~Modifications to the plan must be handled as prescribed in s.~~
2332 ~~39.601. Any extension of a case plan must comply with the time~~
2333 ~~requirements and other requirements specified by this chapter.~~

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2334 (d)~~(e)~~ If, at any judicial review, the court finds that
 2335 the parents have failed to substantially comply with the case
 2336 plan to the degree that further reunification efforts are
 2337 without merit and not in the best interest of the child, on its
 2338 own motion, the court ~~it~~ may order ~~authorize~~ the filing of a
 2339 petition for termination of parental rights, whether or not the
 2340 time period as contained in the case plan for substantial
 2341 compliance has expired ~~elapsed~~.

2342 (e)~~(f)~~ No later than 6 ~~12~~ months after the date that the
 2343 child was placed in shelter care, the court shall conduct a
 2344 judicial review hearing to review ~~plan for~~ the child's
 2345 permanency goal as identified in the case plan. At the hearing,
 2346 the court shall make findings regarding the likelihood of the
 2347 child's reunification with the parent or legal custodian within
 2348 12 months after the removal of the child from the home. If, at
 2349 this hearing, the court makes a written finding that it is not
 2350 likely that the child will be reunified with the parent or legal
 2351 custodian within 12 months after the child was removed from the
 2352 home, the department must file with the court and serve on all
 2353 parties a motion to amend the case plan under s. 39.6013 and
 2354 declare that it will use concurrent planning for the case plan.
 2355 The department must file the motion no later than 10 business
 2356 days after receiving the written finding of the court. The
 2357 department must attach the proposed amended case plan to the
 2358 motion. If concurrent planning is already being used, the case
 2359 plan must document the efforts the department is taking to
 2360 complete the concurrent goal. At this hearing, if the child is
 2361 not returned to the physical custody of the parents, the case

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2362 ~~plan may be extended with the same goals only if the court finds~~
2363 ~~that the situation of the child is so extraordinary that the~~
2364 ~~plan should be extended. The case plan must document steps the~~
2365 ~~department is taking to find an adoptive parent or other~~
2366 ~~permanent living arrangement for the child.~~

2367 ~~(f)(g)~~ The court may issue a protective order in
2368 assistance, or as a condition, of any other order made under
2369 this part. In addition to the requirements included in the case
2370 plan, the protective order may set forth requirements relating
2371 to reasonable conditions of behavior to be observed for a
2372 specified period of time by a person or agency who is before the
2373 court; and the ~~such~~ order may require any ~~such~~ person or agency
2374 to make periodic reports to the court containing such
2375 information as the court in its discretion may prescribe.

2376 Section 24. Section 39.8055, Florida Statutes, is created
2377 to read:

2378 39.8055 Requirement to file termination of parental rights
2379 petition; exceptions.--

2380 (1) The department shall file a petition to terminate
2381 parental rights within 60 days after any of the following
2382 events:

2383 (a) If, at the time of the 12-month judicial review
2384 hearing, a child is not returned to the physical custody of the
2385 parents;

2386 (b) If a petition for termination of parental rights has
2387 not otherwise been filed and the child has been in out-of-home
2388 care under the responsibility of the state for 15 of the most
2389 recent 22 months, calculated on a cumulative basis, but not

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2390 | including any trial home visits or time during which the child
2391 | was a runaway;

2392 | (c) If the parent has been convicted of murder of the
2393 | other parent, manslaughter of the other parent, aiding or
2394 | abetting or conspiracy or solicitation to murder the other
2395 | parent, or a felony battery that resulted in serious bodily
2396 | injury to the child or to any other child of the parent; or

2397 | (d) If a court determines that reasonable efforts to
2398 | reunify the child and parent are not required.

2399 | (2) Notwithstanding subsection (1), the department may
2400 | choose not to file or join in a petition to terminate the
2401 | parental rights of a parent if:

2402 | (a) The child is being cared for by a relative under s.
2403 | 39.6231; or

2404 | (b) The department has documented in the report to the
2405 | court a compelling reason for determining that filing such a
2406 | petition would not be in the best interest of the child.

2407 | Compelling reasons for not filing or joining a petition to
2408 | terminate parental rights may include, but are not limited to:

2409 | 1. Adoption is not the appropriate permanency goal for the
2410 | child;

2411 | 2. No grounds to file a petition to terminate parental
2412 | rights exist;

2413 | 3. The child is an unaccompanied refugee minor as defined
2414 | in 45 C.F.R. s. 400.111;

2415 | 4. There are international legal obligations or compelling
2416 | foreign policy reasons that would preclude terminating parental
2417 | rights; or

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2418 5. The department has not provided to the family,
 2419 consistent with the time period in the case plan, services that
 2420 the department deems necessary for the safe return of the child
 2421 to the home.

2422 (3) Upon good cause shown by any party or on its own
 2423 motion, the court may review the determination by the department
 2424 that compelling reasons exist for not filing a petition for
 2425 termination of parental rights.

2426 Section 25. Subsections (1) and (2) of section 39.806,
 2427 Florida Statutes, are amended to read:

2428 39.806 Grounds for termination of parental rights.--

2429 ~~(1) The department, the guardian ad litem, or any person~~
 2430 ~~who has knowledge of the facts alleged or who is informed of~~
 2431 ~~those facts and believes that they are true may petition~~ Grounds
 2432 for the termination of parental rights may be established under
 2433 any of the following circumstances:

2434 (a) When the parent or parents have voluntarily executed a
 2435 written surrender of the child and consented to the entry of an
 2436 order giving custody of the child to the department for
 2437 subsequent adoption and the department is willing to accept
 2438 custody of the child.

2439 1. The surrender document must be executed before two
 2440 witnesses and a notary public or other person authorized to take
 2441 acknowledgments.

2442 2. The surrender and consent may be withdrawn after
 2443 acceptance by the department only after a finding by the court
 2444 that the surrender and consent were obtained by fraud or under
 2445 duress.

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2446 (b) Abandonment as defined in s. 39.01(1) or when the
2447 identity or location of the parent or parents is unknown and
2448 cannot be ascertained by diligent search within 60 days.

2449 (c) When the parent or parents engaged in conduct toward
2450 the child or toward other children that demonstrates that the
2451 continuing involvement of the parent or parents in the parent-
2452 child relationship threatens the life, safety, well-being, or
2453 physical, mental, or emotional health of the child irrespective
2454 of the provision of services. Provision of services may be
2455 evidenced by proof that services were provided through a
2456 previous plan or offered as a case plan from a child welfare
2457 agency.

2458 (d) When the parent of a child is incarcerated in a state
2459 or federal correctional institution and either:

2460 1. The period of time for which the parent is expected to
2461 be incarcerated will constitute a substantial portion of the
2462 period of time before the child will attain the age of 18 years;

2463 2. The incarcerated parent has been determined by the
2464 court to be a violent career criminal as defined in s. 775.084,
2465 a habitual violent felony offender as defined in s. 775.084, or
2466 a sexual predator as defined in s. 775.21; has been convicted of
2467 first degree or second degree murder in violation of s. 782.04
2468 or a sexual battery that constitutes a capital, life, or first
2469 degree felony violation of s. 794.011; or has been convicted of
2470 an offense in another jurisdiction which is substantially
2471 similar to one of the offenses listed in this paragraph. As used
2472 in this section, the term "substantially similar offense" means
2473 any offense that is substantially similar in elements and

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2474 penalties to one of those listed in this subparagraph, and that
 2475 is in violation of a law of any other jurisdiction, whether that
 2476 of another state, the District of Columbia, the United States or
 2477 any possession or territory thereof, or any foreign
 2478 jurisdiction; or

2479 3. The court determines by clear and convincing evidence
 2480 that continuing the parental relationship with the incarcerated
 2481 parent would be harmful to the child and, for this reason, that
 2482 termination of the parental rights of the incarcerated parent is
 2483 in the best interest of the child.

2484 (e) ~~A petition for termination of parental rights may also~~
 2485 ~~be filed~~ When a child has been adjudicated dependent, a case
 2486 plan has been filed with the court, and:

2487 1. The child continues to be abused, neglected, or
 2488 abandoned by the parents. In this case, the failure of the
 2489 parents to substantially comply for a period of 12 months after
 2490 an adjudication of the child as a dependent child or the child's
 2491 placement into shelter care, whichever came first, constitutes
 2492 evidence of continuing abuse, neglect, or abandonment unless the
 2493 failure to substantially comply with the case plan was due
 2494 either to the lack of financial resources of the parents or to
 2495 the failure of the department to make reasonable efforts to
 2496 reunify the parent and child. The ~~Such~~ 12-month period begins
 2497 ~~may begin~~ to run only after the child's placement into shelter
 2498 care or the entry of a disposition order placing the custody of
 2499 the child with the department or a person other than the parent
 2500 and the approval by the court of a case plan with a goal of
 2501 reunification with the parent, whichever came first; or

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2502 2. The parent has materially breached the case plan by
2503 making it unlikely that he or she will be able to substantially
2504 comply with the case plan before the time for compliance
2505 expires. Because time is of the essence for permanency of
2506 children in the dependency system and, thus, in order to prove
2507 the parent has materially breached the case plan, the court must
2508 find by clear and convincing evidence that the parent is
2509 unlikely or unable to substantially comply with the case plan
2510 before time expires to comply with the case plan.

2511 (f) When the parent or parents engaged in egregious
2512 conduct or had the opportunity and capability to prevent and
2513 knowingly failed to prevent egregious conduct that threatens the
2514 life, safety, or physical, mental, or emotional health of the
2515 child or the child's sibling.

2516 1. As used in this subsection, the term "sibling" means
2517 another child who resides with or is cared for by the parent or
2518 parents regardless of whether the child is related legally or by
2519 consanguinity.

2520 2. As used in this subsection, the term "egregious
2521 conduct" means abuse, abandonment, neglect, or any other conduct
2522 of the parent or parents that is deplorable, flagrant, or
2523 outrageous by a normal standard of conduct. Egregious conduct
2524 may include an act or omission that occurred only once but was
2525 of such intensity, magnitude, or severity as to endanger the
2526 life of the child.

2527 (g) When the parent or parents have subjected the child to
2528 aggravated child abuse as defined in s. 827.03, sexual battery
2529 or sexual abuse as defined in s. 39.01, or chronic abuse.

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2530 (h) When the parent or parents have committed murder or
 2531 voluntary manslaughter of another child, or a felony assault
 2532 that results in serious bodily injury to the child or another
 2533 child, or aided or abetted, attempted, conspired, or solicited
 2534 to commit such a murder or voluntary manslaughter or felony
 2535 assault.

2536 (i) When the parental rights of the parent to a sibling
 2537 have been terminated involuntarily.

2538 (2) Reasonable efforts to preserve and reunify families
 2539 are ~~shall~~ not ~~be~~ required if a court of competent jurisdiction
 2540 has determined that any of the events described in paragraphs
 2541 (1)(e)-(i) have occurred.

2542 Section 26. Subsection (1) of section 39.810, Florida
 2543 Statutes, is amended to read:

2544 39.810 Manifest best interests of the child.--In a hearing
 2545 on a petition for termination of parental rights, the court
 2546 shall consider the manifest best interests of the child. This
 2547 consideration shall not include a comparison between the
 2548 attributes of the parents and those of any persons providing a
 2549 present or potential placement for the child. For the purpose of
 2550 determining the manifest best interests of the child, the court
 2551 shall consider and evaluate all relevant factors, including, but
 2552 not limited to:

2553 (1) Any suitable permanent custody arrangement with a
 2554 relative of the child. However, the availability of a
 2555 nonadoptive placement with a relative may not receive greater
 2556 consideration than any other factor weighing on the manifest
 2557 best interest of the child and may not be considered as a factor

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2558 | weighing against termination of parental rights. If a child has
 2559 | been in a stable or preadoptive placement for not less than 6
 2560 | months, the availability of a different placement, including a
 2561 | placement with a relative, may not be considered as a ground to
 2562 | deny the termination of parental rights.

2563 | Section 27. Subsection (4) of section 39.811, Florida
 2564 | Statutes, is amended to read:

2565 | 39.811 Powers of disposition; order of disposition.--

2566 | (4) If the child is neither in the custody of the
 2567 | department nor in the custody of a parent and the court finds
 2568 | that the grounds for termination of parental rights have been
 2569 | established for either or both parents, the court shall enter an
 2570 | order terminating parental rights for the parent or parents for
 2571 | whom the grounds for termination have been established and
 2572 | placing the child with the department or an appropriate legal
 2573 | custodian. If the parental rights of both parents have been
 2574 | terminated, or if the parental rights of only one parent have
 2575 | been terminated and the court makes specific findings based on
 2576 | evidence presented that placement with the remaining parent is
 2577 | likely to be harmful to the child, the court may order that the
 2578 | child be placed with a legal custodian other than the department
 2579 | after hearing evidence of the suitability of the ~~such~~ intended
 2580 | placement. Suitability of the intended placement includes the
 2581 | fitness and capabilities of the proposed legal custodian to
 2582 | function as the primary caregiver for a particular child; and
 2583 | the compatibility of the child with the home in which the child
 2584 | is intended to be placed. If the court orders that a child be
 2585 | placed with a legal custodian under this subsection, the court

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2586 shall appoint a such legal custodian ~~either~~ as the guardian for
 2587 the child as provided in s. 744.3021 or s. 39.621 ~~or as the~~
 2588 ~~long term custodian of the child as provided in s. 39.622 so~~
 2589 ~~long as the child has been residing with the legal custodian for~~
 2590 ~~a minimum of 6 months~~. The court may modify the order placing
 2591 the child in the custody of the legal custodian and revoke the
 2592 guardianship established under s. 744.3021 or another ~~the long-~~
 2593 ~~term custodial~~ relationship if the court subsequently finds the
 2594 placement to be no longer in the best interest of the child.

2595 Section 28. Paragraph (b) of subsection (3) of section
 2596 39.0015, Florida Statutes, is amended to read:

2597 39.0015 Child abuse prevention training in the district
 2598 school system.--

2599 (3) DEFINITIONS.--As used in this section:

2600 (b) "Child abuse" means those acts as defined in ss.
 2601 39.01(1), (2), (32), (42), (44), (55) ~~(30), (43), (45), (52),~~
 2602 and (66) ~~(63)~~, 827.04, and 984.03(1), (2), and (37).

2603 Section 29. Subsection (5) of section 39.205, Florida
 2604 Statutes, is amended to read:

2605 39.205 Penalties relating to reporting of child abuse,
 2606 abandonment, or neglect.--

2607 (5) If the department or its authorized agent has
 2608 determined after its investigation that a report is false, the
 2609 department shall, with the consent of the alleged perpetrator,
 2610 refer the report to the local law enforcement agency having
 2611 jurisdiction for an investigation to determine whether
 2612 sufficient evidence exists to refer the case for prosecution for
 2613 filing a false report as defined in s. 39.01(28) ~~s. 39.01(27)~~.

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2614 During the pendency of the investigation by the local law
 2615 enforcement agency, the department must notify the local law
 2616 enforcement agency of, and the local law enforcement agency must
 2617 respond to, all subsequent reports concerning children in that
 2618 same family in accordance with s. 39.301. If the law enforcement
 2619 agency believes that there are indicators of abuse, abandonment,
 2620 or neglect, it must immediately notify the department, which
 2621 must assure the safety of the children. If the law enforcement
 2622 agency finds sufficient evidence for prosecution for filing a
 2623 false report, it must refer the case to the appropriate state
 2624 attorney for prosecution.

2625 Section 30. Subsection (1) of section 39.302, Florida
 2626 Statutes, is amended to read:

2627 39.302 Protective investigations of institutional child
 2628 abuse, abandonment, or neglect.--

2629 (1) The department shall conduct a child protective
 2630 investigation of each report of institutional child abuse,
 2631 abandonment, or neglect. Upon receipt of a report that alleges
 2632 that an employee or agent of the department, or any other entity
 2633 or person covered by s. 39.01(33) or (46) ~~s. 39.01(31) or (47)~~,
 2634 acting in an official capacity, has committed an act of child
 2635 abuse, abandonment, or neglect, the department shall initiate a
 2636 child protective investigation within the timeframe established
 2637 by the central abuse hotline under ~~pursuant to~~ s. 39.201(5) and
 2638 orally notify the appropriate state attorney, law enforcement
 2639 agency, and licensing agency. These agencies shall immediately
 2640 conduct a joint investigation, unless independent investigations
 2641 are more feasible. When conducting investigations onsite or

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2642 | having face-to-face interviews with the child, such
 2643 | investigation visits shall be unannounced unless it is
 2644 | determined by the department or its agent that the ~~such~~
 2645 | unannounced visits would threaten the safety of the child. When
 2646 | a facility is exempt from licensing, the department shall inform
 2647 | the owner or operator of the facility of the report. Each agency
 2648 | conducting a joint investigation is ~~shall be~~ entitled to full
 2649 | access to the information gathered by the department in the
 2650 | course of the investigation. A protective investigation must
 2651 | include an onsite visit of the child's place of residence. In
 2652 | all cases, the department shall make a full written report to
 2653 | the state attorney within 3 working days after making the oral
 2654 | report. A criminal investigation shall be coordinated, whenever
 2655 | possible, with the child protective investigation of the
 2656 | department. Any interested person who has information regarding
 2657 | the offenses described in this subsection may forward a
 2658 | statement to the state attorney as to whether prosecution is
 2659 | warranted and appropriate. Within 15 days after the completion
 2660 | of the investigation, the state attorney shall report the
 2661 | findings to the department and shall include in the ~~such~~ report
 2662 | a determination of whether or not prosecution is justified and
 2663 | appropriate in view of the circumstances of the specific case.

2664 | Section 31. For the purpose of incorporating the
 2665 | amendments made by this act to section 39.806, Florida Statutes,
 2666 | in a reference thereto, subsection (5) of section 39.802,
 2667 | Florida Statutes, is reenacted to read:

2668 | 39.802 Petition for termination of parental rights;
 2669 | filing; elements.--

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2670 (5) When a petition for termination of parental rights is
 2671 filed under s. 39.806(1), a separate petition for dependency
 2672 need not be filed and the department need not offer the parents
 2673 a case plan with a goal of reunification, but may instead file
 2674 with the court a case plan with a goal of termination of
 2675 parental rights to allow continuation of services until the
 2676 termination is granted or until further orders of the court are
 2677 issued.

2678 Section 32. Subsection (1) of section 39.828, Florida
 2679 Statutes, is amended to read:

2680 39.828 Grounds for appointment of a guardian advocate.--

2681 (1) The court shall appoint the person named in the
 2682 petition as a guardian advocate with all the powers and duties
 2683 specified in s. 39.829 for an initial term of 1 year upon a
 2684 finding that:

2685 (a) The child named in the petition is or was a drug
 2686 dependent newborn as described in s. 39.01(32)(g) ~~s.~~
 2687 ~~39.01(30)(g)~~;

2688 (b) The parent or parents of the child have voluntarily
 2689 relinquished temporary custody of the child to a relative or
 2690 other responsible adult;

2691 (c) The person named in the petition to be appointed the
 2692 guardian advocate is capable of carrying out the duties as
 2693 provided in s. 39.829; and

2694 (d) A petition to adjudicate the child dependent under
 2695 ~~pursuant to~~ this chapter has not been filed.

2696 Section 33. Subsection (3) of section 63.092, Florida
 2697 Statutes, is amended to read:

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2698 63.092 Report to the court of intended placement by an
 2699 adoption entity; at-risk placement; preliminary study.--
 2700 (3) PRELIMINARY HOME STUDY.--Before placing the minor in
 2701 the intended adoptive home, a preliminary home study must be
 2702 performed by a licensed child-placing agency, a child-caring
 2703 agency registered under s. 409.176, a licensed professional, or
 2704 agency described in s. 61.20(2), unless the adoptee is an adult
 2705 or the petitioner is a stepparent or a relative. If the adoptee
 2706 is an adult or the petitioner is a stepparent or a relative, a
 2707 preliminary home study may be required by the court for good
 2708 cause shown. The department is required to perform the
 2709 preliminary home study only if there is no licensed child-
 2710 placing agency, child-caring agency registered under s. 409.176,
 2711 licensed professional, or agency described in s. 61.20(2), in
 2712 the county where the prospective adoptive parents reside. The
 2713 preliminary home study must be made to determine the suitability
 2714 of the intended adoptive parents and may be completed prior to
 2715 identification of a prospective adoptive minor. A favorable
 2716 preliminary home study is valid for 1 year after the date of its
 2717 completion. Upon its completion, a copy of the home study must
 2718 be provided to the intended adoptive parents who were the
 2719 subject of the home study. A minor may not be placed in an
 2720 intended adoptive home before a favorable preliminary home study
 2721 is completed unless the adoptive home is also a licensed foster
 2722 home under s. 409.175. The preliminary home study must include,
 2723 at a minimum:
 2724 (a) An interview with the intended adoptive parents;

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- 2725 (b) Records checks of the department's central abuse
 2726 registry and criminal records ~~correspondence~~ checks under s.
 2727 39.0138 ~~pursuant to s. 435.045~~ through the Department of Law
 2728 Enforcement on the intended adoptive parents;
- 2729 (c) An assessment of the physical environment of the home;
- 2730 (d) A determination of the financial security of the
 2731 intended adoptive parents;
- 2732 (e) Documentation of counseling and education of the
 2733 intended adoptive parents on adoptive parenting;
- 2734 (f) Documentation that information on adoption and the
 2735 adoption process has been provided to the intended adoptive
 2736 parents;
- 2737 (g) Documentation that information on support services
 2738 available in the community has been provided to the intended
 2739 adoptive parents; and
- 2740 (h) A copy of each signed acknowledgment of receipt of
 2741 disclosure required by s. 63.085.

2742

2743 If the preliminary home study is favorable, a minor may be
 2744 placed in the home pending entry of the judgment of adoption. A
 2745 minor may not be placed in the home if the preliminary home
 2746 study is unfavorable. If the preliminary home study is
 2747 unfavorable, the adoption entity may, within 20 days after
 2748 receipt of a copy of the written recommendation, petition the
 2749 court to determine the suitability of the intended adoptive
 2750 home. A determination as to suitability under this subsection
 2751 does not act as a presumption of suitability at the final
 2752 hearing. In determining the suitability of the intended adoptive

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2753 | home, the court must consider the totality of the circumstances
2754 | in the home. No minor may be placed in a home in which there
2755 | resides any person determined by the court to be a sexual
2756 | predator as defined in s. 775.21 or to have been convicted of an
2757 | offense listed in s. 63.089(4)(b)2.

2758 | Section 34. Paragraph (b) of subsection (3) of section
2759 | 409.165, Florida Statutes, is amended to read:

2760 | 409.165 Alternate care for children.--

2761 | (3) With the written consent of parents, custodians, or
2762 | guardians, or in accordance with those provisions in chapter 39
2763 | that relate to dependent children, the department, under rules
2764 | properly adopted, may place a child:

2765 | (b) With an adult nonrelative approved by the court for
2766 | permanent guardianship ~~long-term custody~~;

2767 |
2768 | under such conditions as are determined to be for the best
2769 | interests or the welfare of the child. Any child placed in an
2770 | institution or in a family home by the department or its agency
2771 | may be removed by the department or its agency, and such other
2772 | disposition may be made as is for the best interest of the
2773 | child, including transfer of the child to another institution,
2774 | another home, or the home of the child. Expenditure of funds
2775 | appropriated for out-of-home care can be used to meet the needs
2776 | of a child in the child's own home or the home of a relative if
2777 | the child can be safely served in the child's own home or that
2778 | of a relative if placement can be avoided by the expenditure of
2779 | such funds, and if the expenditure of such funds in this manner
2780 | is calculated by the department to be a potential cost savings.

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

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2781 Section 35. Subsection (3) of section 409.1685, Florida
2782 Statutes, is amended to read:

2783 409.1685 Children in foster care; annual report to
2784 Legislature.--The Department of Children and Family Services
2785 shall submit a written report to the substantive committees of
2786 the Legislature concerning the status of children in foster care
2787 and concerning the judicial review mandated by part X of chapter
2788 39. This report shall be submitted by March 1 of each year and
2789 shall include the following information for the prior calendar
2790 year:

2791 (3) The number of termination of parental rights
2792 proceedings instituted during that period which shall include:

2793 (a) The number of termination of parental rights
2794 proceedings initiated pursuant to s. 39.8055 ~~s. 39.703~~; and

2795 (b) The total number of terminations of parental rights
2796 ordered.

2797 Section 36. Paragraph (d) of subsection (1) of section
2798 419.001, Florida Statutes, is amended to read:

2799 419.001 Site selection of community residential homes.--

2800 (1) For the purposes of this section, the following
2801 definitions shall apply:

2802 (d) "Resident" means any of the following: a frail elder
2803 as defined in s. 400.618; a physically disabled or handicapped
2804 person as defined in s. 760.22(7)(a); a developmentally disabled
2805 person as defined in s. 393.063; a nondangerous mentally ill
2806 person as defined in s. 394.455(18); or a child who is found to
2807 be dependent or a child in need of services as defined in s.
2808 39.01(14), s. 984.03(9) or (12), or s. 985.03(8).

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2809 | Section 37. Sections 39.601, 39.622, 39.623, 39.624,
2810 | 39.703, and 435.045, Florida Statutes, are repealed.
2811 | Section 38. This act shall take effect July 1, 2006.