

Bill No. PCS (509848) for SB 1048



509868

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
2/20/2008	.	
	.	
	.	

1 The Committee on Children, Families, and Elder Affairs (Rich)
 2 recommended the following **substitute for amendment (919840)**:

3
 4 **Senate Amendment (with directory and title amendments)**

5 Delete line(s) 766-796

6 and insert:

7
 8 Section 15. Section 39.810, Florida Statutes, is amended to
 9 read:

10
 11 39.810 Manifest best interests of the child.--In a hearing on a
 12 petition for termination of parental rights, the court shall
 13 consider the manifest best interests of the child. This
 14 consideration shall not include a comparison between the
 15 attributes of the parents and those of any persons providing a

Bill No. PCS (509848) for SB 1048



509868

16 present or potential placement for the child. For the purpose of
17 determining the manifest best interests of the child, the court
18 shall consider and evaluate all relevant factors, including, but
19 not limited to:

20 (1) Any suitable permanent custody arrangement with a
21 relative of the child. However, the availability of a
22 nonadoptive placement with a relative may not receive greater
23 consideration than any other factor weighing on the manifest
24 best interest of the child and may not be considered as a factor
25 weighing against termination of parental rights. If a child has
26 been in a stable or preadoptive placement for not less than 6
27 months, the availability of a different placement, including a
28 placement with a relative, may not be considered as a ground to
29 deny the termination of parental rights.

30 (2) The ability and disposition of the parent or parents
31 to provide the child with food, clothing, medical care or other
32 remedial care recognized and permitted under state law instead
33 of medical care, and other material needs of the child.

34 (3) The capacity of the parent or parents to care for the
35 child to the extent that the child's safety, well-being, and
36 physical, mental, and emotional health will not be endangered
37 upon the child's return home.

38 (4) The present mental and physical health needs of the
39 child and such future needs of the child to the extent that such
40 future needs can be ascertained based on the present condition
41 of the child.

42 (5) The love, affection, and other emotional ties existing
43 between the child and the child's parent or parents, siblings,

Bill No. PCS (509848) for SB 1048



509868

44 and other relatives, and the degree of harm to the child that
45 would arise from the termination of parental rights and duties.

46 (6) The likelihood of an older child remaining in long-
47 term foster care upon termination of parental rights, due to
48 emotional or behavioral problems or any special needs of the
49 child.

50 (7) The child's ability to form a significant relationship
51 with a parental substitute and the likelihood that the child
52 will enter into a more stable and permanent family relationship
53 as a result of permanent termination of parental rights and
54 duties.

55 (8) The length of time that the child has lived in a
56 stable, satisfactory environment and the desirability of
57 maintaining continuity.

58 (9) The depth of the relationship existing between the
59 child and the present custodian.

60 (10) The reasonable preferences and wishes of the child,
61 if the court deems the child to be of sufficient intelligence,
62 understanding, and experience to express a preference.

63 (11) The recommendations for the child provided by the
64 child's guardian ad litem or legal representative.

65
66 If the court finds that termination of parental rights is in the
67 manifest best interests of the child, the court shall also find
68 that termination of parental rights is the least restrictive
69 means of protecting the child.

70
71 (Renumber subsequent sections)

Bill No. PCS (509848) for SB 1048



509868

72

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

74 And the title is amended as follows:

75 Delete line(s) 48-51

76 and insert:

77 amending s. 39.810, F.S.; providing that if termination of
78 parental rights is in the best interests of the child it
79 is also the least restrictive means of protecting the
80 child; amending s. 63.032, F.S.; redefining the