

1 A bill to be entitled
2 An act relating to care of children; creating the "Zahid
3 Jones Give Relatives a Voice Act"; amending s. 39.201,
4 F.S.; providing for the Department of Children and Family
5 Services to analyze certain unaccepted reports to the
6 central abuse hotline; amending s. 39.202, F.S.; expanding
7 access to certain confidential reports of child abuse or
8 neglect to include physicians, psychologists, and mental
9 health professionals; amending s. 39.301, F.S.; providing
10 conditions for a relative to be a collateral contact in
11 certain child protective investigations; providing for a
12 relative to request notice of proceedings and hearings
13 relating to protective investigations under certain
14 circumstances; specifying content of the request; amending
15 s. 39.304, F.S.; providing for preservation in department
16 records of certain photographs and X rays and reports on
17 medical examinations and treatments of an abused child;
18 amending s. 39.402, F.S.; requiring notification of
19 certain relatives in an order for placement of a child in
20 shelter care of their right to attend hearings and submit
21 reports to the court; amending s. 39.502, F.S.; providing
22 for certain relatives to receive notice of dependency
23 hearings under certain circumstances; providing an
24 exception; amending s. 39.506, F.S.; providing for certain
25 relatives to receive notice of arraignment hearings under
26 certain circumstances; amending s. 39.5085, F.S.; revising
27 legislative intent with regard to the Relative Caregiver
28 Program; authorizing the department to develop liaison

29 | functions for certain relatives; amending s. 39.6011,
 30 | F.S.; requiring a case plan for a child receiving services
 31 | from the department to include a protocol for notification
 32 | of certain relatives of proceedings and hearings; amending
 33 | s. 39.6013, F.S.; conforming a cross-reference; amending
 34 | s. 39.701, F.S.; requiring an attorney for the department
 35 | to provide notice to certain relatives of the child
 36 | regarding upcoming judicial hearings; conforming cross-
 37 | references; amending s. 683.10, F.S.; designating the
 38 | first Sunday after Labor Day as "Grandparents' and Family
 39 | Caregivers' Day"; authorizing the Governor to issue
 40 | proclamations commemorating the occasion; providing an
 41 | effective date.

42 |

43 | Be It Enacted by the Legislature of the State of Florida:

44 |

45 | Section 1. This act may be cited as the "Zahid Jones Give
 46 | Relatives a Voice Act."

47 | Section 2. Subsection (7) of section 39.201, Florida
 48 | Statutes, is amended to read:

49 | 39.201 Mandatory reports of child abuse, abandonment, or
 50 | neglect; mandatory reports of death; central abuse hotline.--

51 | (7) On an ongoing basis, the department's quality
 52 | assurance program shall review calls to the hotline involving
 53 | three or more unaccepted reports on a single child, where
 54 | jurisdiction applies, in order to detect such things as
 55 | harassment and situations that warrant an investigation because
 56 | of the frequency or variety of the source of the reports. A

57 component of the quality assurance program shall analyze
 58 unaccepted reports to the hotline by identified relatives as a
 59 part of the review of screened out calls. The Program Director
 60 for Family Safety may refer a case for investigation when it is
 61 determined, as a result of this review, that an investigation
 62 may be warranted.

63 Section 3. Paragraph (r) is added to subsection (2) of
 64 section 39.202, Florida Statutes, to read:

65 39.202 Confidentiality of reports and records in cases of
 66 child abuse or neglect.--

67 (2) Except as provided in subsection (4), access to such
 68 records, excluding the name of the reporter which shall be
 69 released only as provided in subsection (5), shall be granted
 70 only to the following persons, officials, and agencies:

71 (r) A physician licensed under chapter 458 or chapter 459,
 72 a psychologist licensed under chapter 490, or a mental health
 73 professional licensed under chapter 491 engaged in the care or
 74 treatment of the child.

75 Section 4. Paragraph (b) of subsection (14) of section
 76 39.301, Florida Statutes, is amended to read:

77 39.301 Initiation of protective investigations.--

78 (14)

79 (b) The parents or legal custodians shall be informed of
 80 the right to refuse services, as well as the responsibility of
 81 the department to protect the child regardless of the acceptance
 82 or refusal of services. If the services are refused, a
 83 collateral contact required under subparagraph (10)(b)2. shall
 84 include a relative, if the protective investigator has knowledge

85 of and the ability to contact a relative. If the services are
86 refused and the department deems that the child's need for
87 protection so requires, the department shall take the child into
88 protective custody or petition the court as provided in this
89 chapter. A relative may submit in writing to the protective
90 investigator or case manager a request to receive notification
91 of all proceedings and hearings in accordance with s. 39.502.
92 The request shall include the relative's name, address, and
93 phone number and the relative's relationship to the child. The
94 protective investigator or case manager shall forward such
95 request to the attorney for the department.

96 Section 5. Subsection (4) of section 39.304, Florida
97 Statutes, is amended to read:

98 39.304 Photographs, medical examinations, X rays, and
99 medical treatment of abused, abandoned, or neglected child.--

100 (4) Any photograph or report on examinations made or X
101 rays taken pursuant to this section, or copies thereof, shall be
102 sent to the department as soon as possible and shall be
103 preserved in permanent form in records held by the department.

104 Section 6. Paragraph (h) of subsection (8) of section
105 39.402, Florida Statutes, is amended to read:

106 39.402 Placement in a shelter.--

107 (8)

108 (h) The order for placement of a child in shelter care
109 must identify the parties present at the hearing and must
110 contain written findings:

111 1. That placement in shelter care is necessary based on
112 the criteria in subsections (1) and (2).

113 2. That placement in shelter care is in the best interest
114 of the child.

115 3. That continuation of the child in the home is contrary
116 to the welfare of the child because the home situation presents
117 a substantial and immediate danger to the child's physical,
118 mental, or emotional health or safety which cannot be mitigated
119 by the provision of preventive services.

120 4. That based upon the allegations of the petition for
121 placement in shelter care, there is probable cause to believe
122 that the child is dependent or that the court needs additional
123 time, which may not exceed 72 hours, in which to obtain and
124 review documents pertaining to the family in order to
125 appropriately determine the risk to the child.

126 5. That the department has made reasonable efforts to
127 prevent or eliminate the need for removal of the child from the
128 home. A finding of reasonable effort by the department to
129 prevent or eliminate the need for removal may be made and the
130 department is deemed to have made reasonable efforts to prevent
131 or eliminate the need for removal if:

132 a. The first contact of the department with the family
133 occurs during an emergency;

134 b. The appraisal of the home situation by the department
135 indicates that the home situation presents a substantial and
136 immediate danger to the child's physical, mental, or emotional
137 health or safety which cannot be mitigated by the provision of
138 preventive services;

139 c. The child cannot safely remain at home, either because
140 there are no preventive services that can ensure the health and

141 safety of the child or because, even with appropriate and
 142 available services being provided, the health and safety of the
 143 child cannot be ensured; or

144 d. The parent or legal custodian is alleged to have
 145 committed any of the acts listed as grounds for expedited
 146 termination of parental rights in s. 39.806(1)(f)-(i).

147 6. That the court notified the parents or legal custodians
 148 of the time, date, and location of the next dependency hearing
 149 and of the importance of the active participation of the parents
 150 or legal custodians in all proceedings and hearings.

151 7. That the court notified the parents or legal custodians
 152 of their right to counsel to represent them at the shelter
 153 hearing and at each subsequent hearing or proceeding, and the
 154 right of the parents to appointed counsel, pursuant to the
 155 procedures set forth in s. 39.013.

156 8. That the court notified relatives who are providing
 157 out-of-home care for a child as a result of the shelter petition
 158 being granted that they have the right to attend all subsequent
 159 hearings and to submit reports to the court regarding the child
 160 who is in their care.

161 Section 7. Subsection (1) of section 39.502, Florida
 162 Statutes, is amended, and subsection (19) is added to that
 163 section, to read:

164 39.502 Notice, process, and service.--

165 (1) Unless parental rights have been terminated, all
 166 parents must be notified of all proceedings or hearings
 167 involving the child. Notice in cases involving shelter hearings
 168 and hearings resulting from medical emergencies must be that

CS/HB 1271

2008

169 most likely to result in actual notice to the parents. In all
170 other dependency proceedings, notice must be provided in
171 accordance with subsections (4)-(9), except when a relative
172 requests notification pursuant to s. 39.301(14)(b), in which
173 case notice shall be provided pursuant to subsection (19).

174 (19) In all proceedings under this part, the attorney for
175 the department shall notify, orally or in writing, a relative
176 requesting notification pursuant to s. 39.301(14)(b) of the
177 date, time, and location of such proceedings. The court has the
178 discretion to release the attorney for the department from
179 notifying a relative who requested notification pursuant to s.
180 39.301(14)(b) if the relative's involvement is determined to be
181 impeding the dependency process or detrimental to the child's
182 well-being.

183 Section 8. Subsection (9) of section 39.506, Florida
184 Statutes, is amended to read:

185 39.506 Arraignment hearings.--

186 (9) At the conclusion of the arraignment hearing, all
187 parties and the relatives who are providing out-of-home care for
188 the child shall be notified in writing by the court of the date,
189 time, and location for the next scheduled hearing.

190 Section 9. Paragraphs (a) through (d) of subsection (1) of
191 section 39.5085, Florida Statutes, are redesignated as
192 paragraphs (b) through (e), respectively, a new paragraph (a) is
193 added to subsection (1), and paragraph (g) of subsection (2) of
194 that section is amended, to read:

195 39.5085 Relative Caregiver Program.--

196 (1) It is the intent of the Legislature in enacting this
 197 section to:

198 (a) Provide for the establishment of procedures and
 199 protocols that serve to advance the continued safety of children
 200 by acknowledging the valued resource uniquely available through
 201 grandparents and relatives of children.

202 (2)

203 (g) The department may use appropriate available state,
 204 federal, and private funds to operate the Relative Caregiver
 205 Program. The department may develop liaison functions to be
 206 available to relatives who care for children pursuant to this
 207 chapter to ensure placement stability in extended family
 208 settings.

209 Section 10. Paragraphs (b) and (c) of subsection (4) of
 210 section 39.6011, Florida Statutes, are redesignated as
 211 paragraphs (c) and (d), respectively, and a new paragraph (b) is
 212 added to that subsection to read:

213 39.6011 Case plan development.--

214 (4) The case plan must describe:

215 (b) The responsibility of the case manager to forward a
 216 relative's request to receive notification of all proceedings
 217 and hearings submitted pursuant to s. 39.301(14)(b) to the
 218 attorney for the department.

219 Section 11. Subsection (6) of section 39.6013, Florida
 220 Statutes, is amended to read:

221 39.6013 Case plan amendments.--

222 (6) The case plan is deemed amended as to the child's
 223 health, mental health, and education records required by s.

CS/HB 1271

2008

224 39.6012 when the child's updated health and education records
 225 are filed by the department under s. 39.701~~(8)~~~~(7)~~(a).

226 Section 12. Subsections (6) through (9) of section 39.701,
 227 Florida Statutes, are renumbered as subsections (7) through
 228 (10), respectively, a new subsection (6) is added to that
 229 section, and paragraph (c) of subsection (2), paragraph (b) of
 230 present subsection (6), and paragraph (a) of present subsection
 231 (9) are amended, to read:

232 39.701 Judicial review.--

233 (2)

234 (c) Notice of a hearing by a citizen review panel must be
 235 provided as set forth in subsection (5). At the conclusion of a
 236 citizen review panel hearing, each party may propose a
 237 recommended order to the chairperson of the panel. Thereafter,
 238 the citizen review panel shall submit its report, copies of the
 239 proposed recommended orders, and a copy of the panel's
 240 recommended order to the court. The citizen review panel's
 241 recommended order must be limited to the dispositional options
 242 available to the court in subsection (10) ~~(9)~~. Each party may
 243 file exceptions to the report and recommended order of the
 244 citizen review panel in accordance with Rule 1.490, Florida
 245 Rules of Civil Procedure.

246 (6) The attorney for the department shall notify a
 247 relative who submits a request for notification of all
 248 proceedings and hearings pursuant to s. 39.301(14) (b). The
 249 notice shall include the date, time, and location of the next
 250 judicial review hearing.

251 (7)~~(6)~~

CS/HB 1271

2008

252 (b) At the first judicial review hearing held subsequent
 253 to the child's 17th birthday, in addition to the requirements of
 254 subsection (8) ~~(7)~~, the department shall provide the court with
 255 an updated case plan that includes specific information related
 256 to independent living services that have been provided since the
 257 child's 13th birthday, or since the date the child came into
 258 foster care, whichever came later.

259 (10) ~~(9)~~ (a) Based upon the criteria set forth in subsection
 260 (9) ~~(8)~~ and the recommended order of the citizen review panel,
 261 if any, the court shall determine whether or not the social
 262 service agency shall initiate proceedings to have a child
 263 declared a dependent child, return the child to the parent,
 264 continue the child in out-of-home care for a specified period of
 265 time, or initiate termination of parental rights proceedings for
 266 subsequent placement in an adoptive home. Amendments to the case
 267 plan must be prepared as prescribed in s. 39.6013. If the court
 268 finds that the prevention or reunification efforts of the
 269 department will allow the child to remain safely at home or be
 270 safely returned to the home, the court shall allow the child to
 271 remain in or return to the home after making a specific finding
 272 of fact that the reasons for the creation of the case plan have
 273 been remedied to the extent that the child's safety, well-being,
 274 and physical, mental, and emotional health will not be
 275 endangered.

276 Section 13. Section 683.10, Florida Statutes, is amended
 277 to read:

278 683.10 Grandparents' and Family Caregivers' ~~Grandmother's~~
 279 Day.--

CS/HB 1271

2008

280 (1) The first Sunday after Labor Day ~~second Sunday of~~
281 ~~October~~ of each year is designated "Grandparents' and Family
282 Caregivers' Grandmother's Day."

283 (2) The Governor may issue annually a proclamation
284 designating the first Sunday after Labor Day ~~second Sunday of~~
285 ~~October~~ as Grandparents' and Family Caregivers' Grandmother's
286 Day and calling upon public schools and citizens of the state to
287 observe the occasion.

288 Section 14. This act shall take effect July 1, 2008.