

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

29 an opportunity for certain relatives to be heard in court;  
30 providing an exception; amending s. 39.506, F.S.;  
31 providing for certain relatives to receive notice of  
32 arraignment hearings under certain circumstances; amending  
33 s. 39.5085, F.S.; revising legislative intent with regard  
34 to the Relative Caregiver Program; authorizing the  
35 department to develop liaison functions for certain  
36 relatives; amending s. 39.6011, F.S.; requiring a case  
37 plan for a child receiving services from the department to  
38 include a protocol for notification of certain relatives  
39 of proceedings and hearings; amending s. 39.6013, F.S.;  
40 conforming a cross-reference; amending s. 39.701, F.S.;  
41 requiring an attorney for the department to provide notice  
42 to certain relatives of the child regarding upcoming  
43 judicial hearings; conforming cross-references; amending  
44 s. 39.823, F.S.; conforming a cross-reference; amending s.  
45 683.10, F.S.; designating the first Sunday after Labor Day  
46 as "Grandparents' and Family Caregivers' Day"; authorizing  
47 the Governor to issue proclamations commemorating the  
48 occasion; providing an effective date.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. This act may be cited as the "Zahid Jones, Jr.,  
53 Give Grandparents and Other Relatives a Voice Act."

54 Section 2. Paragraph (b) of subsection (1) and subsection  
55 (7) of section 39.201, Florida Statutes, are amended to read:

56 39.201 Mandatory reports of child abuse, abandonment, or  
 57 neglect; mandatory reports of death; central abuse hotline.--

58 (1)

59 (b) Reporters in the following occupation categories are  
 60 required to provide their names to the hotline staff:

61 1. Physician, osteopathic physician, medical examiner,  
 62 chiropractic physician, nurse, or hospital personnel engaged in  
 63 the admission, examination, care, or treatment of persons;

64 2. Health or mental health professional other than one  
 65 listed in subparagraph 1.;

66 3. Practitioner who relies solely on spiritual means for  
 67 healing;

68 4. School teacher or other school official or personnel;

69 5. Social worker, day care center worker, or other  
 70 professional child care, foster care, residential, or  
 71 institutional worker;

72 6. Law enforcement officer; or

73 7. Judge.

74  
 75 The names of reporters shall be entered into the record of the  
 76 report, but shall be held confidential and exempt as provided in  
 77 s. 39.202. If a report received from a reporter under this  
 78 paragraph is accepted for investigation, the reporter must be  
 79 provided contact information for the investigator within 24  
 80 hours after an investigator has been assigned. A reporter under  
 81 this paragraph may provide a written summary of the report to  
 82 the investigator which shall become a part of the master file.

83 (7) On an ongoing basis, the department's quality  
84 assurance program shall review calls to the hotline involving  
85 three or more unaccepted reports on a single child, where  
86 jurisdiction applies, in order to detect such things as  
87 harassment and situations that warrant an investigation because  
88 of the frequency or variety of the source of the reports. A  
89 component of the quality assurance program shall analyze  
90 unaccepted reports to the hotline by identified relatives as a  
91 part of the review of screened out calls. The Program Director  
92 for Family Safety may refer a case for investigation when it is  
93 determined, as a result of this review, that an investigation  
94 may be warranted.

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

97 39.202 Confidentiality of reports and records in cases of  
98 child abuse or neglect.--

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

103 (r) A physician licensed under chapter 458 or chapter 459,  
104 a psychologist licensed under chapter 490, or a mental health  
105 professional licensed under chapter 491 engaged in the care or  
106 treatment of the child.

107 Section 4. Subsections (6) through (23) of section 39.301,  
108 Florida Statutes, are renumbered as subsections (7) through  
109 (24), respectively, paragraph (c) of present subsection (9),  
110 present subsection (10), and paragraph (b) of present subsection

111 (14) are amended, and a new subsection (6) is added to that  
112 section, to read:

113 39.301 Initiation of protective investigations.--

114 (6) Upon commencing an investigation under this part, if a  
115 report was received from a reporter under s. 39.201(1)(b), the  
116 child protective investigator must provide his or her contact  
117 information to the reporter within 24 hours after being assigned  
118 to the investigation. The investigator must also advise the  
119 reporter that he or she may provide a written summary of the  
120 report made to the central abuse hotline to the investigator  
121 which shall become a part of the master file.

122 (10)-(9)

123 (c) The determination that a report requires an  
124 investigation as provided in this subsection and does not  
125 require an enhanced onsite child protective investigation  
126 pursuant to subsection (11) ~~(10)~~ must be approved in writing by  
127 the supervisor with documentation specifying why additional  
128 investigative activities are not necessary.

129 (11)-(10)(a) For each report that meets one or more of the  
130 following criteria, the department shall perform an enhanced  
131 onsite child protective investigation:

132 1. Any allegation that involves physical abuse, sexual  
133 abuse, domestic violence, substance abuse or substance exposure,  
134 medical neglect, a child younger than 3 years of age, or a child  
135 who is disabled or lacks communication skills.

136 2. Any report that involves an individual who has been the  
137 subject of a prior report containing some indicators or verified  
138 findings of abuse, neglect, or abandonment.

CS/CS/HB 1271

2008

139 3. Any report that does not contain compelling evidence  
140 that the maltreatment did not occur.

141 4. Any report that does not meet the criteria for an  
142 onsite child protective investigation as set forth in subsection  
143 (10) ~~(9)~~.

144 (b) The enhanced onsite child protective investigation  
145 shall include, but is not limited to:

146 1. A face-to-face interview with the child, other  
147 siblings, parents or legal custodians or caregivers, and other  
148 adults in the household;

149 2. Collateral contacts;

150 3. Contact with the reporter as required by rule;

151 4. An onsite assessment of the child's residence in  
152 accordance with paragraph (10) ~~(9)~~ (b); and

153 5. An updated assessment.

154  
155 Detailed documentation is required for the investigative  
156 activities.

157 (15) ~~(14)~~

158 (b) The parents or legal custodians shall be informed of  
159 the right to refuse services, as well as the responsibility of  
160 the department to protect the child regardless of the acceptance  
161 or refusal of services. If the services are refused, a  
162 collateral contact required under subparagraph (11) (b) 2. shall  
163 include a relative, if the protective investigator has knowledge  
164 of and the ability to contact a relative. If the services are  
165 refused and the department deems that the child's need for  
166 protection so requires, the department shall take the child into

167 protective custody or petition the court as provided in this  
 168 chapter. A relative may submit in writing to the protective  
 169 investigator or case manager a request to receive notification  
 170 of all proceedings and hearings in accordance with s. 39.502.  
 171 The request shall include the relative's name, address, and  
 172 phone number and the relative's relationship to the child. The  
 173 protective investigator or case manager shall forward such  
 174 request to the attorney for the department.

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

177 39.304 Photographs, medical examinations, X rays, and  
 178 medical treatment of abused, abandoned, or neglected child.--

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

183 Section 6. Paragraph (h) of subsection (8) of section  
 184 39.402, Florida Statutes, is amended to read:

185 39.402 Placement in a shelter.--

186 (8)

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

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

192 2. That placement in shelter care is in the best interest  
 193 of the child.

194           3. That continuation of the child in the home is contrary  
195 to the welfare of the child because the home situation presents  
196 a substantial and immediate danger to the child's physical,  
197 mental, or emotional health or safety which cannot be mitigated  
198 by the provision of preventive services.

199           4. That based upon the allegations of the petition for  
200 placement in shelter care, there is probable cause to believe  
201 that the child is dependent or that the court needs additional  
202 time, which may not exceed 72 hours, in which to obtain and  
203 review documents pertaining to the family in order to  
204 appropriately determine the risk to the child.

205           5. That the department has made reasonable efforts to  
206 prevent or eliminate the need for removal of the child from the  
207 home. A finding of reasonable effort by the department to  
208 prevent or eliminate the need for removal may be made and the  
209 department is deemed to have made reasonable efforts to prevent  
210 or eliminate the need for removal if:

211           a. The first contact of the department with the family  
212 occurs during an emergency;

213           b. The appraisal of the home situation by the department  
214 indicates that the home situation presents a substantial and  
215 immediate danger to the child's physical, mental, or emotional  
216 health or safety which cannot be mitigated by the provision of  
217 preventive services;

218           c. The child cannot safely remain at home, either because  
219 there are no preventive services that can ensure the health and  
220 safety of the child or because, even with appropriate and



221 available services being provided, the health and safety of the  
 222 child cannot be ensured; or

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

226 6. That the court notified the parents, relatives that are  
 227 providing out-of-home care for the child, or legal custodians of  
 228 the time, date, and location of the next dependency hearing and  
 229 of the importance of the active participation of the parents,  
 230 relatives that are providing out-of-home care for the child, or  
 231 legal custodians in all proceedings and hearings.

232 7. That the court notified the parents or legal custodians  
 233 of their right to counsel to represent them at the shelter  
 234 hearing and at each subsequent hearing or proceeding, and the  
 235 right of the parents to appointed counsel, pursuant to the  
 236 procedures set forth in s. 39.013.

237 8. That the court notified relatives who are providing  
 238 out-of-home care for a child as a result of the shelter petition  
 239 being granted, and any relative requesting notification pursuant  
 240 to s. 39.301(15)(b), that they have the right to attend all  
 241 subsequent hearings, to submit reports to the court, and to  
 242 speak to the court regarding the child, if they so desire.

243 Section 7. Subsection (1) of section 39.502, Florida  
 244 Statutes, is amended, and subsection (19) is added to that  
 245 section, to read:

246 39.502 Notice, process, and service.--

247 (1) Unless parental rights have been terminated, all  
 248 parents must be notified of all proceedings or hearings

249 involving the child. Notice in cases involving shelter hearings  
250 and hearings resulting from medical emergencies must be that  
251 most likely to result in actual notice to the parents. In all  
252 other dependency proceedings, notice must be provided in  
253 accordance with subsections (4)-(9), except when a relative  
254 requests notification pursuant to s. 39.301(15)(b), in which  
255 case notice shall be provided pursuant to subsection (19).

256 (19) In all proceedings under this part, the attorney for  
257 the department shall notify, orally or in writing, a relative  
258 requesting notification pursuant to s. 39.301(15)(b) of the  
259 date, time, and location of such proceedings, and make all  
260 reasonable efforts to ensure that all relatives who have  
261 requested notification pursuant to s. 39.301(15)(b) are given an  
262 opportunity to be heard by the court if the relative so desires.  
263 The court has the discretion to release the attorney for the  
264 department from notifying a relative who requested notification  
265 pursuant to s. 39.301(15)(b) if the relative's involvement is  
266 determined to be impeding the dependency process or detrimental  
267 to the child's well-being.

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

270 39.506 Arraignment hearings.--

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

275 Section 9. Paragraphs (a) through (d) of subsection (1) of  
276 section 39.5085, Florida Statutes, are redesignated as

CS/CS/HB 1271

2008

277 paragraphs (b) through (e), respectively, a new paragraph (a) is  
 278 added to subsection (1), and paragraph (g) of subsection (2) of  
 279 that section is amended, to read:

280 39.5085 Relative Caregiver Program.--

281 (1) It is the intent of the Legislature in enacting this  
 282 section to:

283 (a) Provide for the establishment of procedures and  
 284 protocols that serve to advance the continued safety of children  
 285 by acknowledging the valued resource uniquely available through  
 286 grandparents and relatives of children.

287 (2)

288 (g) The department may use appropriate available state,  
 289 federal, and private funds to operate the Relative Caregiver  
 290 Program. The department may develop liaison functions to be  
 291 available to relatives who care for children pursuant to this  
 292 chapter to ensure placement stability in extended family  
 293 settings.

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

298 39.6011 Case plan development.--

299 (4) The case plan must describe:

300 (b) The responsibility of the case manager to forward a  
 301 relative's request to receive notification of all proceedings  
 302 and hearings submitted pursuant to s. 39.301(15)(b) to the  
 303 attorney for the department.

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

306 39.6013 Case plan amendments.--

307 (6) The case plan is deemed amended as to the child's  
 308 health, mental health, and education records required by s.  
 309 39.6012 when the child's updated health and education records  
 310 are filed by the department under s. 39.701(8)~~(7)~~(a).

311 Section 12. Subsections (6) through (9) of section 39.701,  
 312 Florida Statutes, are renumbered as subsections (7) through  
 313 (10), respectively, a new subsection (6) is added to that  
 314 section, and paragraph (c) of subsection (2), paragraph (b) of  
 315 present subsection (6), and paragraph (a) of present subsection  
 316 (9) are amended, to read:

317 39.701 Judicial review.--

318 (2)

319 (c) Notice of a hearing by a citizen review panel must be  
 320 provided as set forth in subsection (5). At the conclusion of a  
 321 citizen review panel hearing, each party may propose a  
 322 recommended order to the chairperson of the panel. Thereafter,  
 323 the citizen review panel shall submit its report, copies of the  
 324 proposed recommended orders, and a copy of the panel's  
 325 recommended order to the court. The citizen review panel's  
 326 recommended order must be limited to the dispositional options  
 327 available to the court in subsection (10) ~~(9)~~. Each party may  
 328 file exceptions to the report and recommended order of the  
 329 citizen review panel in accordance with Rule 1.490, Florida  
 330 Rules of Civil Procedure.

331           (6) The attorney for the department shall notify a  
 332 relative who submits a request for notification of all  
 333 proceedings and hearings pursuant to s. 39.301(15) (b). The  
 334 notice shall include the date, time, and location of the next  
 335 judicial review hearing.

336           ~~(7) (6)~~

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

344           ~~(10) (9)~~ (a) Based upon the criteria set forth in subsection  
 345 ~~(9) (8)~~ and the recommended order of the citizen review panel,  
 346 if any, the court shall determine whether or not the social  
 347 service agency shall initiate proceedings to have a child  
 348 declared a dependent child, return the child to the parent,  
 349 continue the child in out-of-home care for a specified period of  
 350 time, or initiate termination of parental rights proceedings for  
 351 subsequent placement in an adoptive home. Amendments to the case  
 352 plan must be prepared as prescribed in s. 39.6013. If the court  
 353 finds that the prevention or reunification efforts of the  
 354 department will allow the child to remain safely at home or be  
 355 safely returned to the home, the court shall allow the child to  
 356 remain in or return to the home after making a specific finding  
 357 of fact that the reasons for the creation of the case plan have  
 358 been remedied to the extent that the child's safety, well-being,

CS/CS/HB 1271

2008

359 and physical, mental, and emotional health will not be  
 360 endangered.

361 Section 13. Section 39.823, Florida Statutes, is amended  
 362 to read:

363 39.823 Guardian advocates for drug dependent  
 364 newborns.--The Legislature finds that increasing numbers of drug  
 365 dependent children are born in this state. Because of the  
 366 parents' continued dependence upon drugs, the parents may  
 367 temporarily leave their child with a relative or other adult or  
 368 may have agreed to voluntary family services under s.

369 39.301(15) ~~(14)~~. The relative or other adult may be left with a  
 370 child who is likely to require medical treatment but for whom  
 371 they are unable to obtain medical treatment. The purpose of this  
 372 section is to provide an expeditious method for such relatives  
 373 or other responsible adults to obtain a court order which allows  
 374 them to provide consent for medical treatment and otherwise  
 375 advocate for the needs of the child and to provide court review  
 376 of such authorization.

377 Section 14. Section 683.10, Florida Statutes, is amended  
 378 to read:

379 683.10 Grandparents' and Family Caregivers' ~~Grandmother's~~  
 380 Day.--

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

384 (2) The Governor may issue annually a proclamation  
 385 designating the first Sunday after Labor Day ~~second Sunday of~~  
 386 ~~October~~ as Grandparents' and Family Caregivers' ~~Grandmother's~~

CS/CS/HB 1271

2008

387 | Day and calling upon public schools and citizens of the state to  
388 | observe the occasion.

389 |       Section 15. This act shall take effect July 1, 2008.