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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/21/2008	.	
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	.	

1 The Committee on Judiciary (Gaetz) recommended the following
2 **amendment:**

3
4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
6 and insert:

7
8 Section 1. This act may be cited as the "Zahid Jones, Jr.,
9 Give Grandparents and Other Relatives a Voice Act."

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

12 39.201 Mandatory reports of child abuse, abandonment, or
13 neglect; mandatory reports of death; central abuse hotline.--

14 (1)

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



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17 1. Physician, osteopathic physician, medical examiner,
18 chiropractic physician, nurse, or hospital personnel engaged in
19 the admission, examination, care, or treatment of persons;

20 2. Health or mental health professional other than one
21 listed in subparagraph 1.;

22 3. Practitioner who relies solely on spiritual means for
23 healing;

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

25 5. Social worker, day care center worker, or other
26 professional child care, foster care, residential, or
27 institutional worker;

28 6. Law enforcement officer; or

29 7. Judge.
30

31 The names of reporters shall be entered into the record of the
32 report, but shall be held confidential and exempt as provided in
33 s. 39.202. If a report received from a reporter under this
34 paragraph is accepted for investigation, the reporter must be
35 provided contact information for the investigator within 24 hours
36 after an investigator has been assigned. A reporter under this
37 paragraph may provide a written summary of the report to the
38 investigator which shall become a part of the master file.

39 (7) On an ongoing basis, the department's quality assurance
40 program shall review calls to the hotline involving three or more
41 unaccepted reports on a single child, where jurisdiction applies,
42 in order to detect such things as harassment and situations that
43 warrant an investigation because of the frequency or variety of
44 the source of the reports. A component of the quality assurance
45 program shall analyze unaccepted reports to the hotline by
46 identified relatives as a part of the review of screened out



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47 calls. The Program Director for Family Safety may refer a case
48 for investigation when it is determined, as a result of this
49 review, that an investigation may be warranted.

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

52 39.202 Confidentiality of reports and records in cases of
53 child abuse or neglect.--

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

58 (r) A physician licensed under chapter 458 or chapter 459,
59 a psychologist licensed under chapter 490, or a mental health
60 professional licensed under chapter 491 engaged in the care or
61 treatment of the child.

62 Section 4. Subsections (6) through (23) of section 39.301,
63 Florida Statutes, are redesignated as subsections (7) through
64 (24), respectively, paragraph (c) of present subsection (9),
65 present subsection (10), and paragraph (b) of present subsection
66 (14) are amended, and a new subsection (6) is added to that
67 section, to read:

68 39.301 Initiation of protective investigations.--

69 (6) Upon commencing an investigation under this part, if a
70 report was received from a reporter under s. 39.201(1)(b), the
71 child protective investigator must provide his or her contact
72 information to the reporter within 24 hours after being assigned
73 to the investigation. The investigator must also advise the
74 reporter that he or she may provide a written summary of the
75 report made to the central abuse hotline to the investigator
76 which shall become a part of the master file.



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77 | ~~(10)-(9)~~

78 | (c) The determination that a report requires an
79 | investigation as provided in this subsection and does not require
80 | an enhanced onsite child protective investigation pursuant to
81 | subsection (11) ~~(10)~~ must be approved in writing by the
82 | supervisor with documentation specifying why additional
83 | investigative activities are not necessary.

84 | ~~(11)-(10)~~(a) For each report that meets one or more of the
85 | following criteria, the department shall perform an enhanced
86 | onsite child protective investigation:

87 | 1. Any allegation that involves physical abuse, sexual
88 | abuse, domestic violence, substance abuse or substance exposure,
89 | medical neglect, a child younger than 3 years of age, or a child
90 | who is disabled or lacks communication skills.

91 | 2. Any report that involves an individual who has been the
92 | subject of a prior report containing some indicators or verified
93 | findings of abuse, neglect, or abandonment.

94 | 3. Any report that does not contain compelling evidence
95 | that the maltreatment did not occur.

96 | 4. Any report that does not meet the criteria for an onsite
97 | child protective investigation as set forth in subsection (10)
98 | ~~(9)~~.

99 | (b) The enhanced onsite child protective investigation
100 | shall include, but is not limited to:

101 | 1. A face-to-face interview with the child, other siblings,
102 | parents or legal custodians or caregivers, and other adults in
103 | the household;

104 | 2. Collateral contacts;

105 | 3. Contact with the reporter as required by rule;



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

108 5. An updated assessment.

109
110 Detailed documentation is required for the investigative
111 activities.

112 (15) ~~(14)~~

113 (b) The parents or legal custodians shall be informed of
114 the right to refuse services, as well as the responsibility of
115 the department to protect the child regardless of the acceptance
116 or refusal of services. If the services are refused, a collateral
117 contact required under subparagraph (11) (b)2. shall include a
118 relative, if the protective investigator has knowledge of and the
119 ability to contact a relative. If the services are refused and
120 the department deems that the child's need for protection so
121 requires, the department shall take the child into protective
122 custody or petition the court as provided in this chapter. A
123 relative may submit in writing to the protective investigator or
124 case manager a request to receive notification of all proceedings
125 and hearings in accordance with s. 39.502. The request shall
126 include the relative's name, address, and phone number and the
127 relative's relationship to the child. The protective investigator
128 or case manager shall forward such request to the attorney for
129 the department.

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

132 39.304 Photographs, medical examinations, X rays, and
133 medical treatment of abused, abandoned, or neglected child.--

134 (4) Any photograph or report on examinations made or X rays
135 taken pursuant to this section, or copies thereof, shall be sent



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136 to the department as soon as possible and shall be preserved in
137 permanent form in records held by the department.

138 Section 6. Paragraph (h) of subsection (8) of section
139 39.402, Florida Statutes, is amended to read:

140 39.402 Placement in a shelter.--

141 (8)

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

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

147 2. That placement in shelter care is in the best interest
148 of the child.

149 3. That continuation of the child in the home is contrary
150 to the welfare of the child because the home situation presents a
151 substantial and immediate danger to the child's physical, mental,
152 or emotional health or safety which cannot be mitigated by the
153 provision of preventive services.

154 4. That based upon the allegations of the petition for
155 placement in shelter care, there is probable cause to believe
156 that the child is dependent or that the court needs additional
157 time, which may not exceed 72 hours, in which to obtain and
158 review documents pertaining to the family in order to
159 appropriately determine the risk to the child.

160 5. That the department has made reasonable efforts to
161 prevent or eliminate the need for removal of the child from the
162 home. A finding of reasonable effort by the department to prevent
163 or eliminate the need for removal may be made and the department
164 is deemed to have made reasonable efforts to prevent or eliminate
165 the need for removal if:



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166 a. The first contact of the department with the family
167 occurs during an emergency;

168 b. The appraisal of the home situation by the department
169 indicates that the home situation presents a substantial and
170 immediate danger to the child's physical, mental, or emotional
171 health or safety which cannot be mitigated by the provision of
172 preventive services;

173 c. The child cannot safely remain at home, either because
174 there are no preventive services that can ensure the health and
175 safety of the child or because, even with appropriate and
176 available services being provided, the health and safety of the
177 child cannot be ensured; or

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

181 6. That the court notified the parents, relatives that are
182 providing out-of-home care for the child, or legal custodians of
183 the time, date, and location of the next dependency hearing and
184 of the importance of the active participation of the parents,
185 relatives that are providing out-of-home care for the child, or
186 legal custodians in all proceedings and hearings.

187 7. That the court notified the parents or legal custodians
188 of their right to counsel to represent them at the shelter
189 hearing and at each subsequent hearing or proceeding, and the
190 right of the parents to appointed counsel, pursuant to the
191 procedures set forth in s. 39.013.

192 8. That the court notified relatives who are providing out-
193 of-home care for a child as a result of the shelter petition
194 being granted, and any relative requesting notification pursuant
195 to s. 39.301(15)(b), that they have the right to attend all



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196 subsequent hearings, to submit reports to the court, and to speak
197 to the court regarding the child, if they so desire.

198 Section 7. Subsection (1) of section 39.502, Florida
199 Statutes, is amended, and subsection (19) is added to that
200 section, to read:

201 39.502 Notice, process, and service.--

202 (1) Unless parental rights have been terminated, all
203 parents must be notified of all proceedings or hearings involving
204 the child. Notice in cases involving shelter hearings and
205 hearings resulting from medical emergencies must be that most
206 likely to result in actual notice to the parents. In all other
207 dependency proceedings, notice must be provided in accordance
208 with subsections (4)-(9), except when a relative requests
209 notification pursuant to s. 39.301(15)(b), in which case notice
210 shall be provided pursuant to subsection (19).

211 (19) In all proceedings under this part, the attorney for
212 the department shall notify, orally or in writing, a relative
213 requesting notification pursuant to s. 39.301(15)(b) of the date,
214 time, and location of such proceedings, and make all reasonable
215 efforts to ensure that all relatives who have requested
216 notification pursuant to s. 39.301(15)(b) are given an
217 opportunity to be heard by the court if the relative so desires.
218 The court has the discretion to release the attorney for the
219 department from notifying a relative who requested notification
220 pursuant to s. 39.301(15)(b) if the relative's involvement is
221 determined to be impeding the dependency process or detrimental
222 to the child's well-being.

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

225 39.506 Arraignment hearings.--



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

230 Section 9. Paragraphs (a) through (d) of subsection (1) of
231 section 39.5085, Florida Statutes, are redesignated as paragraphs
232 (b) through (e), respectively, a new paragraph (a) is added to
233 subsection (1), and paragraph (g) of subsection (2) of that
234 section is amended, to read:

235 39.5085 Relative Caregiver Program.--

236 (1) It is the intent of the Legislature in enacting this
237 section to:

238 (a) Provide for the establishment of procedures and
239 protocols that serve to advance the continued safety of children
240 by acknowledging the valued resource uniquely available through
241 grandparents and relatives of children.

242 (2)

243 (g) The department may use appropriate available state,
244 federal, and private funds to operate the Relative Caregiver
245 Program. The department may develop liaison functions to be
246 available to relatives who care for children pursuant to this
247 chapter to ensure placement stability in extended family
248 settings.

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

253 39.6011 Case plan development.--

254 (4) The case plan must describe:



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255 (b) The responsibility of the case manager to forward a
256 relative's request to receive notification of all proceedings and
257 hearings submitted pursuant to s. 39.301(15)(b) to the attorney
258 for the department.

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

261 39.6013 Case plan amendments.--

262 (6) The case plan is deemed amended as to the child's
263 health, mental health, and education records required by s.
264 39.6012 when the child's updated health and education records are
265 filed by the department under s. 39.701(8)~~(7)~~(a).

266 Section 12. Subsections (6) through (9) of section 39.701,
267 Florida Statutes, are redesignated as subsections (7) through
268 (10), respectively, a new subsection (6) is added to that
269 section, and paragraph (c) of subsection (2), paragraph (b) of
270 present subsection (6), and paragraph (a) of present subsection
271 (9) are amended, to read:

272 39.701 Judicial review.--

273 (2)

274 (c) Notice of a hearing by a citizen review panel must be
275 provided as set forth in subsection (5). At the conclusion of a
276 citizen review panel hearing, each party may propose a
277 recommended order to the chairperson of the panel. Thereafter,
278 the citizen review panel shall submit its report, copies of the
279 proposed recommended orders, and a copy of the panel's
280 recommended order to the court. The citizen review panel's
281 recommended order must be limited to the dispositional options
282 available to the court in subsection (10) ~~(9)~~. Each party may
283 file exceptions to the report and recommended order of the



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284 citizen review panel in accordance with Rule 1.490, Florida Rules
285 of Civil Procedure.

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

290 (7) ~~(6)~~

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

298 (10) ~~(9)~~ (a) Based upon the criteria set forth in subsection
299 (9) ~~(8)~~ and the recommended order of the citizen review panel, if
300 any, the court shall determine whether or not the social service
301 agency shall initiate proceedings to have a child declared a
302 dependent child, return the child to the parent, continue the
303 child in out-of-home care for a specified period of time, or
304 initiate termination of parental rights proceedings for
305 subsequent placement in an adoptive home. Amendments to the case
306 plan must be prepared as prescribed in s. 39.6013. If the court
307 finds that the prevention or reunification efforts of the
308 department will allow the child to remain safely at home or be
309 safely returned to the home, the court shall allow the child to
310 remain in or return to the home after making a specific finding
311 of fact that the reasons for the creation of the case plan have
312 been remedied to the extent that the child's safety, well-being,



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313 and physical, mental, and emotional health will not be
314 endangered.

315 Section 13. Section 39.823, Florida Statutes, is amended to
316 read:

317 39.823 Guardian advocates for drug dependent newborns.--The
318 Legislature finds that increasing numbers of drug dependent
319 children are born in this state. Because of the parents'
320 continued dependence upon drugs, the parents may temporarily
321 leave their child with a relative or other adult or may have
322 agreed to voluntary family services under s. 39.301(15)(14). The
323 relative or other adult may be left with a child who is likely to
324 require medical treatment but for whom they are unable to obtain
325 medical treatment. The purpose of this section is to provide an
326 expeditious method for such relatives or other responsible adults
327 to obtain a court order which allows them to provide consent for
328 medical treatment and otherwise advocate for the needs of the
329 child and to provide court review of such authorization.

330 Section 14. Section 683.10, Florida Statutes, is amended to
331 read:

332 683.10 Grandparents' and Family Caregivers' Grandmother's
333 Day.--

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

337 (2) The Governor may issue annually a proclamation
338 designating the first Sunday after Labor Day ~~second Sunday of~~
339 ~~October~~ as Grandparents' and Family Caregivers' Grandmother's Day
340 and calling upon public schools and citizens of the state to
341 observe the occasion.

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



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343
344 ===== T I T L E A M E N D M E N T =====

345 And the title is amended as follows:

346 Delete everything before the enacting clause
347 and insert:

348 A bill to be entitled
349 An act relating to care of children; creating the "Zahid
350 Jones, Jr., Give Grandparents and Other Relatives a Voice
351 Act"; amending s. 39.201, F.S.; providing for the
352 Department of Children and Family Services to analyze
353 certain unaccepted reports to the central abuse hotline;
354 requiring information to be provided to a reporter;
355 authorizing the submission of a written report; amending
356 s. 39.202, F.S.; expanding access to certain confidential
357 reports of child abuse or neglect to include physicians,
358 psychologists, and mental health professionals; amending
359 s. 39.301, F.S.; requiring information to be provided to a
360 reporter; authorizing the submission of a written report;
361 providing conditions for a relative to be a collateral
362 contact in certain child protective investigations;
363 providing for a relative to request notice of proceedings
364 and hearings relating to protective investigations under
365 certain circumstances; specifying content of the request;
366 conforming cross-references; amending s. 39.304, F.S.;
367 providing for preservation in department records of
368 certain photographs and X rays and reports on medical
369 examinations and treatments of an abused child; amending
370 s. 39.402, F.S.; requiring notification of certain
371 relatives in an order for placement of a child in shelter
372 care of their right to attend hearings, submit reports to



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373 the court, and speak to the court; amending s. 39.502,
374 F.S.; providing for certain relatives to receive notice of
375 dependency hearings under certain circumstances; providing
376 an opportunity for certain relatives to be heard in court;
377 providing an exception; amending s. 39.506, F.S.;
378 providing for certain relatives to receive notice of
379 arraignment hearings under certain circumstances; amending
380 s. 39.5085, F.S.; revising legislative intent with regard
381 to the Relative Caregiver Program; authorizing the
382 department to develop liaison functions for certain
383 relatives; amending s. 39.6011, F.S.; requiring a case
384 plan for a child receiving services from the department to
385 include a protocol for notification of certain relatives
386 of proceedings and hearings; amending s. 39.6013, F.S.;
387 conforming a cross-reference; amending s. 39.701, F.S.;
388 requiring an attorney for the department to provide notice
389 to certain relatives of the child regarding upcoming
390 judicial hearings; conforming cross-references; amending
391 s. 39.823, F.S.; conforming a cross-reference; amending s.
392 683.10, F.S.; designating the first Sunday after Labor Day
393 as "Grandparents' and Family Caregivers' Day"; authorizing
394 the Governor to issue proclamations commemorating the
395 occasion; providing an effective date.