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CHAMBER ACTION

| <u>Senate</u> | . | <u>House</u> |
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| Comm: RCS | . | |
| 4/8/2008 | . | |
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1 The Committee on Children, Families, and Elder Affairs (Storms)
 2 recommended the following **amendment**:

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

5 Delete everything after the enacting clause
 6 and insert:

7
 8 Section 1. Sections 2-8 of this act may be cited as the
 9 "Zahid Jones Give Relatives a Voice Act."

10 Section 2. Subsection (7) of section 39.201, Florida
 11 Statutes, is amended to read:

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

14 (7) On an ongoing basis, the department's quality assurance
 15 program shall review calls to the hotline involving three or more
 16 unaccepted reports on a single child, where jurisdiction applies,
 17 in order to detect such things as harassment and situations that

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18 warrant an investigation because of the frequency or variety of
19 the source of the reports. A component of the department's
20 quality assurance program shall analyze unaccepted reports called
21 into the hotline by identified relatives as a part of the
22 department's review of screened-out calls. The Program Director
23 for Family Safety may refer a case for investigation when it is
24 determined, as a result of this review, that an investigation may
25 be warranted.

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

28 39.202 Confidentiality of reports and records in cases of
29 child abuse or neglect.--

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

34 (r) A physician licensed under chapter 458 or chapter 459,
35 a psychologist licensed under chapter 490, or a mental health
36 professional licensed under chapter 491 engaged in the care or
37 treatment of the child.

38 Section 4. Paragraph (b) of subsection (14) of section
39 39.301, Florida Statutes, is amended to read:

40 39.301 Initiation of protective investigations.--

41 (14) (b) The parents or legal custodians shall be informed
42 of the right to refuse services, as well as the responsibility of
43 the department to protect the child regardless of the acceptance
44 or refusal of services. If services are refused, a collateral
45 contact required under subparagraph (10) (b) 2. shall include a
46 relative, unless the protective investigator does not have
47 knowledge of and the ability to contact the relative. If the

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48 services are refused and the department deems that the child's
49 need for protection so requires, the department shall take the
50 child into protective custody or petition the court as provided
51 in this chapter. A relative may submit in writing to the
52 protective investigator or case manager a request to receive
53 notification of all proceedings and hearings in accordance with
54 s. 39.502. Such request must include the relative's name,
55 address, phone number, and relationship to the child. The
56 protective investigator or case manager shall forward such
57 request to the attorney for the department.

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

60 39.304 Photographs, medical examinations, X rays, and
61 medical treatment of abused, abandoned, or neglected child.--

62 (4) Any photograph or report on examinations made or Xrays
63 taken pursuant to this section, or copies thereof, shall be sent
64 to the department as soon as possible and shall be preserved in
65 permanent form in records held by the department.

66 Section 6. Paragraph (h) of subsection (8) of section
67 39.402, Florida Statutes, is amended to read:

68 39.402 Placement in a shelter.--

69 (8)(h) The order for placement of a child in shelter care
70 must identify the parties present at the hearing and must contain
71 written findings:

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

74 2. That placement in shelter care is in the best interest
75 of the child.

76 3. That continuation of the child in the home is contrary
77 to the welfare of the child because the home situation presents a



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78 | substantial and immediate danger to the child's physical, mental,
79 | or emotional health or safety which cannot be mitigated by the
80 | provision of preventive services.

81 | 4. That based upon the allegations of the petition for
82 | placement in shelter care, there is probable cause to believe
83 | that the child is dependent or that the court needs additional
84 | time, which may not exceed 72 hours, in which to obtain and
85 | review documents pertaining to the family in order to
86 | appropriately determine the risk to the child.

87 | 5. That the department has made reasonable efforts to
88 | prevent or eliminate the need for removal of the child from the
89 | home. A finding of reasonable effort by the department to prevent
90 | or eliminate the need for removal may be made and the department
91 | is deemed to have made reasonable efforts to prevent or eliminate
92 | the need for removal if:

93 | a. The first contact of the department with the family
94 | occurs during an emergency;

95 | b. The appraisal of the home situation by the department
96 | indicates that the home situation presents a substantial and
97 | immediate danger to the child's physical, mental, or emotional
98 | health or safety which cannot be mitigated by the provision of
99 | preventive services;

100 | c. The child cannot safely remain at home, either because
101 | there are no preventive services that can ensure the health and
102 | safety of the child or because, even with appropriate and
103 | available services being provided, the health and safety of the
104 | child cannot be ensured; or

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



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108 6. That the court notified the parents or legal custodians
109 of the time, date, and location of the next dependency hearing
110 and of the importance of the active participation of the parents
111 or legal custodians in all proceedings and hearings.

112 7. That the court notified the parents or legal custodians
113 of their right to counsel to represent them at the shelter
114 hearing and at each subsequent hearing or proceeding, and the
115 right of the parents to appointed counsel, pursuant to the
116 procedures set forth in s. 39.013.

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

122 Section 7. Subsection (1) of section 39.502, Florida
123 Statutes, is amended, and subsection (19) is added to that
124 section, to read:

125 39.502 Notice, process, and service.--

126 (1) Unless parental rights have been terminated, all
127 parents must be notified of all proceedings or hearings involving
128 the child. Notice in cases involving shelter hearings and
129 hearings resulting from medical emergencies must be that most
130 likely to result in actual notice to the parents. In all other
131 dependency proceedings, notice must be provided in accordance
132 with subsections (4)-(9), unless a relative requests notification
133 pursuant to s. 39.301(14) (b), in which case notification shall be
134 provided pursuant to subsection (19).

135 (19) In all proceedings under this part, the attorney for
136 the department shall notify, orally or in writing, a relative who
137 requests notification pursuant to s. 39.301(14) (b), of the date,

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138 time, and location of such proceedings. The court may release the
139 department's attorney from notifying such relative if the
140 relative's involvement is determined to be impeding the
141 dependency process or detrimental to the child's well-being.

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

144 39.506 Arraignment hearings.--

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

149 Section 9. Subsection (1) and paragraph (g) of subsection
150 (2) of section 39.5085, Florida Statutes, are amended to read:

151 39.5085 Relative Caregiver Program.--

152 (1) It is the intent of the Legislature in enacting this
153 section to:

154 (a) Provide for the establishment of procedures and
155 protocols that serve to advance the continued safety of children
156 by acknowledging the valued resource uniquely available through
157 grandparents and relatives of children.

158 (b) ~~(a)~~ Recognize family relationships in which a
159 grandparent or other relative is the head of a household that
160 includes a child otherwise at risk of foster care placement.

161 (c) ~~(b)~~ Enhance family preservation and stability by
162 recognizing that most children in such placements with
163 grandparents and other relatives do not need intensive
164 supervision of the placement by the courts or by the department.

165 (d) ~~(e)~~ Recognize that permanency in the best interests of
166 the child can be achieved through a variety of permanency
167 options, including permanent guardianship under s. 39.6221 if the

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168 guardian is a relative, by permanent placement with a fit and
169 willing relative under s. 39.6231, by a relative, guardianship
170 under chapter 744, or adoption, by providing additional placement
171 options and incentives that will achieve permanency and stability
172 for many children who are otherwise at risk of foster care
173 placement because of abuse, abandonment, or neglect, but who may
174 successfully be able to be placed by the dependency court in the
175 care of such relatives.

176 (e) ~~(d)~~ Reserve the limited casework and supervisory
177 resources of the courts and the department for those cases in
178 which children do not have the option for safe, stable care
179 within the family.

180 (2)

181 (g) The department may use appropriate available state,
182 federal, and private funds to operate the Relative Caregiver
183 Program, including the development of liaison functions to be
184 made available to relatives who care for children pursuant to
185 this chapter to ensure placement stability in extended family
186 settings.

187 Section 10. Subsection (4) of section 39.6011, Florida
188 Statutes, is amended to read:

189 39.6011 Case plan development.--

190 (4) The case plan must describe:

191 (a) The role of the foster parents or legal custodians when
192 developing the services that are to be provided to the child,
193 foster parents, or legal custodians;

194 (b) The role of the case manager to forward a relative's
195 request to receive notification of all proceedings and hearings
196 submitted pursuant to s. 39.301(14) (b) to the attorney for the
197 department;

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198 (c) ~~(b)~~ The minimum number of face-to-face meetings to be
199 held each month between the parents and the department's family
200 services counselors to review the progress of the plan, to
201 eliminate barriers to progress, and to resolve conflicts or
202 disagreements; and

203 (d) ~~(e)~~ The parent's responsibility for financial support of
204 the child, including, but not limited to, health insurance and
205 child support. The case plan must list the costs associated with
206 any services or treatment that the parent and child are expected
207 to receive which are the financial responsibility of the parent.
208 The determination of child support and other financial support
209 shall be made independently of any determination of indigency
210 under s. 39.013.

211 Section 11. Subsection (6) is added to section 39.701,
212 Florida Statutes, to read:

213 39.701 Judicial review.--

214 (6) The attorney for the department shall notify a relative
215 who submits a request for notification of all proceedings and
216 hearings pursuant to s. 39.301(14)(b), with the date, time, and
217 location of the next judicial review hearing.

218 Section 12. Section 683.10, Florida Statutes, is amended to
219 read:

220 683.10 Grandparents' and Family Caregivers ~~Grandmother's~~
221 Day.--

222 (1) The first Sunday after Labor Day ~~second Sunday of~~
223 ~~October~~ of each year is designated "Grandparents' and Family
224 Caregiver's ~~"Grandmother's Day."~~

225 (2) The Governor may issue annually a proclamation
226 designating the first Sunday after Labor Day ~~second Sunday of~~
227 ~~October~~ as Grandparents' and Family Caregiver's ~~Grandmother's~~ Day



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228 and calling upon public schools and citizens of the state to
229 observe the occasion.

230 Section 13. This act shall take effect July 1, 2008.

231

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

233 And the title is amended as follows:

234 Delete everything before the enacting clause
235 and insert:

236 A bill to be entitled
237 An act relating to the care of children; providing a short
238 title; amending s. 39.201, F.S.; requiring an additional
239 component under the Department of Children and Family
240 Services' quality assurance program which analyzes
241 unaccepted reports made to the department's hotline;
242 amending s. 39.202, F.S.; authorizing physicians to obtain
243 access to certain reports and records in cases of child
244 abuse and neglect; amending s. 39.301, F.S.; requiring
245 that a collateral contact include a relative if services
246 are refused; providing for a relative to request
247 notification of all proceedings and hearings; amending s.
248 39.304, F.S.; requiring certain medical information
249 relating to child abuse or neglect to be preserved in the
250 department's records; amending s. 39.402, F.S.; requiring
251 that the court notify relatives who are providing out-of-
252 home care of the right to attend hearings and submit
253 reports to the court; amending s. 39.502, F.S.; requiring
254 the attorney for the department to provide notification of
255 proceedings to relatives requesting such notification;
256 amending s. 39.506, F.S.; requiring that relatives who
257 provide out-of-home care for a child be provided with

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258 notification of scheduled arraignment hearings; amending
259 s. 30.5085, F.S.; providing for the establishment of
260 protocols and procedures relating to grandparents and
261 relatives; providing for the development of liaison
262 functions related to relatives who care for children;
263 amending s. 39.6011, F.S.; requiring case managers to
264 forward notification requests to departmental attorneys;
265 amending s. 39.701, F.S.; requiring the attorney for the
266 department to provide notification of proceedings to
267 relatives requesting such notification; amending s.
268 683.10, F.S.; designating the first Sunday after Labor Day
269 as "Grandparents' and Family Caregiver's Day"; providing
270 an effective date.