

By the Committee on Children, Families, and Elder Affairs; and
Senator Storms

586-07048-08

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1 A bill to be entitled

2 An act relating to the care of children; providing a short
3 title; amending s. 39.201, F.S.; requiring an additional
4 component under the Department of Children and Family
5 Services' quality assurance program to analyze unaccepted
6 reports made to the department's hotline; amending s.
7 39.202, F.S.; authorizing certain practitioners to have
8 access to certain reports and records in cases of child
9 abuse and neglect; amending s. 39.301, F.S.; requiring
10 that a collateral contact for a protective investigation
11 to include a relative if services are refused; authorizing
12 a relative to request notification of all proceedings and
13 hearings; amending s. 39.304, F.S.; requiring certain
14 medical information relating to child abuse or neglect to
15 be permanently preserved in the department's records;
16 amending s. 39.402, F.S.; requiring that the court notify
17 relatives who are providing out-of-home care of the right
18 to attend hearings and submit reports to the court;
19 amending s. 39.502, F.S.; requiring the attorney for the
20 department to notify relatives requesting notification of
21 proceedings; amending s. 39.506, F.S.; requiring that
22 relatives who provide out-of-home care for a child be
23 provided with notification of hearings; amending s.
24 30.5085, F.S.; providing Legislative intent relating to
25 the establishment of protocols and procedures relating to
26 grandparents and relatives; providing for the development
27 of liaison functions related to relatives who care for
28 children; amending s. 39.6011, F.S.; requiring case
29 managers to forward the notification requests of relatives

586-07048-08

20082644c1

30 to departmental attorneys; amending s. 39.701, F.S.;

31 requiring the attorney for the department to provide

32 notification of proceedings to relatives requesting such

33 notification; amending s. 683.10, F.S.; designating the

34 first Sunday after Labor Day as "Grandparents' and Family

35 Caregiver's Day"; providing an effective date.

36

37 Be It Enacted by the Legislature of the State of Florida:

38

39 Section 1. Sections 2-8 of this act may be cited as the

40 "Zahid Jones Give Relatives a Voice Act."

41 Section 2. Subsection (7) of section 39.201, Florida

42 Statutes, is amended to read:

43 39.201 Mandatory reports of child abuse, abandonment, or

44 neglect; mandatory reports of death; central abuse hotline.--

45 (7) On an ongoing basis, the department's quality assurance

46 program shall review calls to the hotline involving three or more

47 unaccepted reports on a single child, where jurisdiction applies,

48 in order to detect such things as harassment and situations that

49 warrant an investigation because of the frequency or variety of

50 the source of the reports. A component of the department's

51 quality assurance program shall analyze unaccepted reports called

52 into the hotline by identified relatives as a part of the

53 department's review of screened-out calls. The Program Director

54 for Family Safety may refer a case for investigation when it is

55 determined, as a result of this review, that an investigation may

56 be warranted.

57 Section 3. Paragraph (r) is added to subsection (2) of

58 section 39.202, Florida Statutes, to read:

586-07048-08

20082644c1

59 39.202 Confidentiality of reports and records in cases of
60 child abuse or neglect.--

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

65 (r) A physician licensed under chapter 458 or chapter 459,
66 a psychologist licensed under chapter 490, or a mental health
67 professional licensed under chapter 491 engaged in the care or
68 treatment of the child.

69 Section 4. Paragraph (b) of subsection (14) of section
70 39.301, Florida Statutes, is amended to read:

71 39.301 Initiation of protective investigations.--

72 (14) (b) The parents or legal custodians shall be informed
73 of the right to refuse services, as well as the responsibility of
74 the department to protect the child regardless of the acceptance
75 or refusal of services. If services are refused, a collateral
76 contact required under subparagraph (10) (b) 2. shall include a
77 relative, unless the protective investigator does not have
78 knowledge of and the ability to contact the relative. If the
79 services are refused and the department deems that the child's
80 need for protection so requires, the department shall take the
81 child into protective custody or petition the court as provided
82 in this chapter. A relative may submit in writing to the
83 protective investigator or case manager a request to receive
84 notification of all proceedings and hearings in accordance with
85 s. 39.502. The request must include the relative's name, address,
86 phone number, and relationship to the child. The protective
87 investigator or case manager shall forward the request to the

586-07048-08

20082644c1

88 attorney for the department.

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

91 39.304 Photographs, medical examinations, X rays, and
92 medical treatment of abused, abandoned, or neglected child.--

93 (4) Any photograph or report on examinations made or X-rays
94 ~~X-rays~~ taken pursuant to this section, or copies thereof, shall be
95 sent to the department as soon as possible and shall be preserved
96 in permanent form in records held by the department.

97 Section 6. Paragraph (h) of subsection (8) of section
98 39.402, Florida Statutes, is amended to read:

99 39.402 Placement in a shelter.--

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

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

105 2. That placement in shelter care is in the best interest
106 of the child.

107 3. That continuation of the child in the home is contrary
108 to the welfare of the child because the home situation presents a
109 substantial and immediate danger to the child's physical, mental,
110 or emotional health or safety which cannot be mitigated by the
111 provision of preventive services.

112 4. That based upon the allegations of the petition for
113 placement in shelter care, there is probable cause to believe
114 that the child is dependent or that the court needs additional
115 time, which may not exceed 72 hours, in which to obtain and
116 review documents pertaining to the family in order to

586-07048-08

20082644c1

117 appropriately determine the risk to the child.

118 5. That the department has made reasonable efforts to
119 prevent or eliminate the need for removal of the child from the
120 home. A finding of reasonable effort by the department to prevent
121 or eliminate the need for removal may be made and the department
122 is deemed to have made reasonable efforts to prevent or eliminate
123 the need for removal if:

124 a. The first contact of the department with the family
125 occurs during an emergency;

126 b. The appraisal of the home situation by the department
127 indicates that the home situation presents a substantial and
128 immediate danger to the child's physical, mental, or emotional
129 health or safety which cannot be mitigated by the provision of
130 preventive services;

131 c. The child cannot safely remain at home, either because
132 there are no preventive services that can ensure the health and
133 safety of the child or because, even with appropriate and
134 available services being provided, the health and safety of the
135 child cannot be ensured; or

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

139 6. That the court notified the parents or legal custodians
140 of the time, date, and location of the next dependency hearing
141 and of the importance of the active participation of the parents
142 or legal custodians in all proceedings and hearings.

143 7. That the court notified the parents or legal custodians
144 of their right to counsel to represent them at the shelter
145 hearing and at each subsequent hearing or proceeding, and the

586-07048-08

20082644c1

146 right of the parents to appointed counsel, pursuant to the
147 procedures set forth in s. 39.013.

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

153 Section 7. Subsection (1) of section 39.502, Florida
154 Statutes, is amended, and subsection (19) is added to that
155 section, to read:

156 39.502 Notice, process, and service.--

157 (1) Unless parental rights have been terminated, all
158 parents must be notified of all proceedings or hearings involving
159 the child. Notice in cases involving shelter hearings and
160 hearings resulting from medical emergencies must be that most
161 likely to result in actual notice to the parents. In all other
162 dependency proceedings, notice must be provided in accordance
163 with subsections (4)-(9) unless a relative requests notification
164 pursuant to s. 39.301(14)(b), in which case notification shall be
165 provided pursuant to subsection (19).

166 (19) In all proceedings under this part, the attorney for
167 the department shall notify, orally or in writing, a relative who
168 requests notification pursuant to s. 39.301(14)(b), of the date,
169 time, and location of such proceedings. The court may release the
170 department's attorney from notifying such relative if the
171 relative's involvement is determined to be impeding the
172 dependency process or detrimental to the child's well-being.

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

586-07048-08

20082644c1

175 39.506 Arraignment hearings.--

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

180 Section 9. Present paragraphs (a) through (d) of subsection
181 (1) of section 39.5085, Florida Statutes, are redesignated as
182 paragraphs (b) through (e), respectively, a new paragraph (a) is
183 added to that subsection, and paragraph (g) of subsection (2) of
184 that section is amended, to read:

185 39.5085 Relative Caregiver Program.--

186 (1) It is the intent of the Legislature in enacting this
187 section to:

188 (a) Provide for the establishment of procedures and
189 protocols that serve to advance the continued safety of children
190 by acknowledging the valued resource uniquely available through
191 grandparents and relatives of children.

192 (2)

193 (g) The department may use appropriate available state,
194 federal, and private funds to operate the Relative Caregiver
195 Program, including the development of liaison functions to be
196 made available to relatives who care for children pursuant to
197 this chapter to ensure placement stability in extended family
198 settings.

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

201 39.6011 Case plan development.--

202 (4) The case plan must describe:

203 (a) The role of the foster parents or legal custodians when

586-07048-08

20082644c1

204 developing the services that are to be provided to the child,
205 foster parents, or legal custodians;

206 (b) The role of the case manager to forward a relative's
207 request to receive notification of all proceedings and hearings
208 submitted pursuant to s. 39.301(14) (b) to the attorney for the
209 department;

210 (c) ~~(b)~~ The minimum number of face-to-face meetings to be
211 held each month between the parents and the department's family
212 services counselors to review the progress of the plan, to
213 eliminate barriers to progress, and to resolve conflicts or
214 disagreements; and

215 (d) ~~(e)~~ The parent's responsibility for financial support of
216 the child, including, but not limited to, health insurance and
217 child support. The case plan must list the costs associated with
218 any services or treatment that the parent and child are expected
219 to receive which are the financial responsibility of the parent.
220 The determination of child support and other financial support
221 shall be made independently of any determination of indigency
222 under s. 39.013.

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

225 39.701 Judicial review.--

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

230 Section 12. Section 683.10, Florida Statutes, is amended to
231 read:

232 683.10 Grandparents' and Family Caregivers ~~Grandmother's~~

586-07048-08

20082644c1

233 Day.--

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

237 (2) The Governor may issue annually a proclamation
238 designating the first Sunday after Labor Day ~~second Sunday of~~
239 ~~October~~ as Grandparents' and Family Caregiver's ~~Grandmother's~~ Day
240 and calling upon public schools and citizens of the state to
241 observe the occasion.

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