

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Galvano offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 476-521 and insert:

5 Section 8. Subsections (2) and (3) of section 39.401,
6 Florida Statutes, are amended, and subsection (5) is added to
7 that section, to read:

8 39.401 Taking a child alleged to be dependent into
9 custody; law enforcement officers and authorized agents of the
10 department.--

11 (2) If the law enforcement officer takes the child into
12 custody, that officer shall:

13 (a) Release the child to:

14 1. The parent or legal custodian of the child;

15 2. A responsible adult approved by the court when limited
16 to temporary emergency situations;

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17 3. A responsible adult relative who shall be given
18 priority consideration over a nonrelative placement when this is
19 in the best interests of the child; ~~or~~

20 4. The adoptive parent of the child's sibling, if such
21 sibling was previously adopted, if it is in the best interest of
22 the child to do so; or

23 ~~5.4.~~ A responsible adult approved by the department; or

24 (b) Deliver the child to an authorized agent of the
25 department, stating the facts by reason of which the child was
26 taken into custody and sufficient information to establish
27 probable cause that the child is abandoned, abused, or
28 neglected, or otherwise dependent.

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30 For cases involving allegations of abandonment, abuse, or
31 neglect, or other dependency cases, within 3 days after such
32 release or within 3 days after delivering the child to an
33 authorized agent of the department, the law enforcement officer
34 who took the child into custody shall make a full written report
35 to the department.

36 (3) If the child is taken into custody by, or is delivered
37 to, an authorized agent of the department, the ~~authorized~~ agent
38 shall review the facts supporting the removal with an attorney
39 representing the department. The purpose of the this review is
40 ~~shall be~~ to determine whether there is probable cause ~~exists~~ for
41 the filing of a shelter petition.

42 (a) If the facts are not sufficient ~~to support the filing~~
43 ~~of a shelter petition~~, the child shall immediately be returned
44 to the custody of the parent or legal custodian.

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45 (b) If the facts are sufficient to support the filing of
46 ~~the shelter petition~~ and the child has not been returned to the
47 custody of the parent or legal custodian, the department shall
48 file the petition and schedule a hearing, and the attorney
49 representing the department shall request that a shelter hearing
50 be held within ~~as quickly as possible, not to exceed~~ 24 hours
51 after the removal of the child. While awaiting the shelter
52 hearing, the authorized agent of the department may place the
53 child in licensed shelter care or may release the child to a
54 parent or legal custodian or responsible adult relative who
55 shall be given priority consideration over a licensed placement,
56 or a responsible adult approved by the department if ~~when~~ this
57 is in the best interests of the child. ~~Any~~ Placement of a child
58 which is not in a licensed shelter must be preceded by a
59 criminal history records check as required under s. 39.0138
60 ~~local and state criminal records check, as well as a search of~~
61 ~~the department's automated abuse information system, on all~~
62 ~~members of the household, to assess the child's safety within~~
63 ~~the home.~~ In addition, the department may authorize placement of
64 a housekeeper/homemaker in the home of a child alleged to be
65 dependent until the parent or legal custodian assumes care of
66 the child.

67 (5) Judicial review and approval is required within 24
68 hours after placement for all nonrelative placements. A
69 nonrelative placement must be for a specific and predetermined
70 period of time, not to exceed 12 months, and shall be reviewed
71 by the court at least every 6 months. If the nonrelative
72 placement continues for longer than 12 months, the department

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73 shall request the court to establish permanent guardianship or
74 require that the nonrelative seek licensure as a foster care
75 provider within 30 days after the court decision.

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

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Remove lines 32-35 and insert:

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amending s. 39.401, F.S.; requiring a law enforcement officer

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who takes a child into custody to release such child to an

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adoptive parent of the child's sibling, if the sibling was

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previously adopted; requiring judicial approval for the

84

placement of a child with a nonrelative; amending s. 39.502,

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F.S.; requiring certain