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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/06/2009	.	
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The Committee on Judiciary (Joyner) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 39.00145, Florida Statutes, is created
to read:

39.00145 Records concerning children.—

(1) The case file of every child under the supervision of
or in the custody of the department, the department's authorized
agents, or providers contracting with the department, including



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13 community-based care lead agencies and their subcontracted
14 providers, must be maintained in a complete and accurate manner.
15 The case file must contain, at a minimum, the child's case plan
16 required under part VIII of this chapter and the full name and
17 street address of all shelters, foster parents, group homes,
18 treatment facilities, or locations where the child has been
19 placed.

20 (2) Notwithstanding any other provision of this chapter,
21 all records in a child's case file must be made available for
22 inspection, upon request, to the child who is the subject of the
23 case record and to the child's caregiver, guardian ad litem, or
24 attorney.

25 (a) A complete and accurate copy of any record in a child's
26 case file must be provided, upon request and at no cost, to the
27 child who is the subject of the case record and to the child's
28 caregiver, guardian ad litem, or attorney.

29 (b) The department shall release the information in a
30 manner and setting that are appropriate to the age and maturity
31 of the child and the nature of the information being released,
32 which may include the release of information in a therapeutic
33 setting, if appropriate. This paragraph does not deny the child
34 access to his or her records.

35 (c) If a child or the child's caregiver, guardian ad litem,
36 or attorney requests access to the child's case file, any person
37 or entity that fails to provide records in the case file under
38 assertion of a claim of exemption from the public-records
39 requirements of chapter 119, or fails to provide access within a
40 reasonable time, is subject to sanctions and penalties under s.
41 119.10.



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42 (3) If a court determines that sharing information in the
43 child's case file is necessary to ensure access to appropriate
44 services for the child or for the safety of the child, the court
45 may approve the release of confidential records or information
46 contained in them.

47 (4) Notwithstanding any other provision of law, all state
48 and local agencies and programs that provide services to
49 children or that are responsible for a child's safety, including
50 the Department of Juvenile Justice, the Department of Health,
51 the Agency for Health Care Administration, the Agency for
52 Persons with Disabilities, the Department of Education, the
53 Department of Revenue, the school districts, the Statewide
54 Guardian Ad Litem Office, and any provider contracting with such
55 agencies, may share with each other confidential records or
56 information that are confidential or exempt from disclosure
57 under chapter 119 if the records or information are reasonably
58 necessary to ensure access to appropriate services for the
59 child, including child support enforcement services, or for the
60 safety of the child. However:

61 (a) Records or information made confidential by federal law
62 may not be shared.

63 (b) This subsection does not apply to information
64 concerning clients and records of certified domestic violence
65 centers, which are confidential under s. 39.908 and privileged
66 under s. 90.5036.

67 Section 2. Paragraph (r) is added to subsection(2) of
68 section 39.202, Florida Statutes, and subsection (7) of that
69 section is amended, to read:

70 39.202 Confidentiality of reports and records in cases of



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71 child abuse or neglect.-

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

76 (r) Persons with whom the department is seeking to place
77 the child or to whom placement has been granted, including
78 foster parents for whom an approved home study has been
79 conducted, the designee of a licensed residential group home
80 described in s. 39.523, an approved relative or nonrelative with
81 whom a child is placed pursuant to s. 39.402, preadoptive
82 parents for whom a favorable preliminary adoptive home study has
83 been conducted, adoptive parents, or an adoption entity acting
84 on behalf of preadoptive or adoptive parents.

85 (7) The department shall make and keep reports and records
86 of all cases under this chapter ~~relating to child abuse,~~
87 ~~abandonment, and neglect~~ and shall preserve the records
88 pertaining to a child and family ~~until 7 years after the last~~
89 ~~entry was made or~~ until the child who is the subject of the
90 record is 30 is 18 years of age, whichever date is first
91 ~~reached,~~ and may then destroy the records. ~~Department records~~
92 ~~required by this chapter relating to child abuse, abandonment,~~
93 ~~and neglect may be inspected only upon order of the court or as~~
94 ~~provided for in this section.~~

95 (a) Within 90 days after the child leaves the department's
96 custody, the department shall give a notice to the person having
97 legal custody of the child, or to the young adult who was in the
98 department's custody, which specifies how the records may be
99 obtained.



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100 (b) The department may adopt rules regarding the format,
101 storage, retrieval, and release of such records.

102 Section 3. This act shall take effect July 1, 2009.

103
104 ===== T I T L E A M E N D M E N T =====

105 And the title is amended as follows:

106 Delete everything before the enacting clause
107 and insert:

108 A bill to be entitled

109 An act relating to the confidential records of
110 children; creating s. 39.00145, F.S.; requiring that
111 the case file of a child under the supervision or in
112 the custody of the Department of Children and Family
113 Services be maintained in a complete and accurate
114 manner; specifying who has access to the case file and
115 records in the file; authorizing the court to directly
116 release the child's records to certain entities;
117 providing that entities that have access to
118 confidential information concerning a child may share
119 it with other entities that provide services
120 benefiting children; providing for exceptions for the
121 sharing of confidential information under certain
122 circumstances; amending s. 39.202, F.S.; expanding the
123 list of persons or entities that have access to child
124 abuse records; revising how long the department must
125 keep such records; requiring the department to provide
126 notice how the child's records may be obtained after
127 the child leaves the department's custody; authorizing
128 the department to adopt rules; providing an effective



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129

date.