



821810

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2009	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Justice) 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 record 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
community-based care lead agencies and their subcontracted



821810

12 providers, must be maintained in a complete and accurate manner.
13 The case record must contain, at a minimum, the child's case
14 plan required under part VIII of this chapter and the full name
15 and street address of all shelters, foster parents, group homes,
16 treatment facilities, or locations where the child is placed.

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

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

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

32 (3) If a court determines that sharing information in the
33 child's case record is necessary to ensure access to appropriate
34 services for the child or for the safety of the child, the court
35 may approve the release of confidential records or information
36 contained in them.

37 (4) Notwithstanding any other provision of law, all state
38 and local agencies and programs that provide services to
39 children or that are responsible for a child's safety, including
40 the Department of Juvenile Justice, the Department of Health,



821810

41 the Agency for Health Care Administration, the Agency for
42 Persons with Disabilities, the Department of Education, the
43 school districts, the Statewide Guardian Ad Litem Office, and
44 any provider contracting with such agencies, may share with each
45 other confidential records or information that are confidential
46 or exempt from disclosure under chapter 119 if the records or
47 information are reasonably necessary to ensure access to
48 appropriate services for the child or for the safety of the
49 child. However:

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

52 (b) This subsection does not apply to information
53 concerning clients and records of certified domestic violence
54 centers, which are confidential under s. 39.908 and privileged
55 under s. 90.5036.

56 Section 2. Paragraph (r) is added to subsection(2) of
57 section 39.202, Florida Statutes, to read:

58 39.202 Confidentiality of reports and records in cases of
59 child abuse or neglect.—

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

64 (r) Persons with whom the department is seeking to place
65 the child or to whom placement has been granted, including
66 foster parents for whom an approved home study has been
67 conducted, the designee of a licensed residential group home
68 described in s. 39.523, an approved relative or nonrelative with
69 whom a child is placed pursuant to s. 39.402(4), preadoptive



821810

70 parents for whom a favorable preliminary adoptive home study has
71 been conducted, adoptive parents, or an adoption entity acting
72 on behalf of preadoptive or adoptive parents.

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

74

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

76 And the title is amended as follows:

77 Delete everything before the enacting clause
78 and insert:

79 A bill to be entitled
80 An act relating to the confidential records of
81 children; creating s. 39.00145, F.S.; requiring that
82 the case file of a child under the supervision or in
83 the custody of the Department of Children and Family
84 Services be maintained in a complete and accurate
85 manner; specifying who has access to the case file and
86 records in the file; authorizing the court to directly
87 release the child's records to certain entities;
88 providing that entities that have access to
89 confidential information concerning a child may share
90 it with other entities that provide services
91 benefiting children; providing for exceptions for the
92 sharing of confidential information under certain
93 circumstances; amending s. 39.202, F.S.; expanding the
94 list of persons or entities that have access to child
95 abuse records; providing an effective date.