



508690

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/27/2009 06:44 PM

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Senator Dockery moved the following:

Senate Amendment (with title amendment)

Delete lines 97 - 108

and insert:

Section 3. Paragraphs (r) and (s) are added to subsection (2) of section 39.202, Florida Statutes, and subsection (7) of that section is amended, to read:

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

(2) Except as provided in subsection (4), access to such records, excluding the name of the reporter which shall be released only as provided in subsection (5), shall be granted



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13 only to the following persons, officials, and agencies:

14 (r) A physician licensed under chapter 458 or chapter 459,
15 a psychologist licensed under chapter 490, or a mental health
16 professional licensed under chapter 491 engaged in the care or
17 treatment of the child.

18 (s) Persons with whom the department is seeking to place
19 the child or to whom placement has been granted, including
20 foster parents for whom an approved home study has been
21 conducted, the designee of a licensed residential group home
22 described in s. 39.523, an approved relative or nonrelative with
23 whom a child is placed pursuant to s. 39.402, preadoptive
24 parents for whom a favorable preliminary adoptive home study has
25 been conducted, adoptive parents, or an adoption entity acting
26 on behalf of preadoptive or adoptive parents.

27 (7) The department shall make and keep reports and records
28 of all cases under this chapter ~~relating to child abuse,~~
29 ~~abandonment, and neglect~~ and shall preserve the records
30 pertaining to a child and family ~~until 7 years after the last~~
31 ~~entry was made or~~ until the child who is the subject of the
32 record is 30 is 18 years of age, whichever date is first
33 ~~reached,~~ and may then destroy the records. ~~Department records~~
34 ~~required by this chapter relating to child abuse, abandonment,~~
35 ~~and neglect may be inspected only upon order of the court or as~~
36 ~~provided for in this section.~~

37 (a) Within 90 days after the child leaves the department's
38 custody, the department shall give a notice to the person having
39 legal custody of the child, or to the young adult who was in the
40 department's custody, which specifies how the records may be
41 obtained.



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

44 Section 4. Section 39.00145, Florida Statutes, is created
45 to read:

46 39.00145 Records concerning children.-

47 (1) The case record of every child under the supervision of
48 or in the custody of the department, the department's authorized
49 agents, or providers contracting with the department, including
50 community-based care lead agencies and their subcontracted
51 providers, must be maintained in a complete and accurate manner.
52 The case record must contain, at a minimum, the child's case
53 plan required under part VIII of this chapter and the full name
54 and street address of all shelters, foster parents, group homes,
55 treatment facilities, or locations where the child has been
56 placed.

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

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

66 (b) The department shall release the information in a
67 manner and setting that are appropriate to the age and maturity
68 of the child and the nature of the information being released,
69 which may include the release of information in a therapeutic
70 setting, if appropriate. This paragraph does not deny the child



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71 access to his or her records.

72 (c) If a child or the child's caregiver, guardian ad litem,
73 or attorney requests access to the child's case record, any
74 person or entity that fails to provide any record in the case
75 record under assertion of a claim of exemption from the public-
76 records requirements of chapter 119, or fails to provide access
77 within a reasonable time, is subject to sanctions and penalties
78 under s. 119.10.

79 (3) If a court determines that sharing information in the
80 child's case record is necessary to ensure access to appropriate
81 services for the child or for the safety of the child, the court
82 may approve the release of confidential records or information
83 contained in them.

84 (4) Notwithstanding any other provision of law, all state
85 and local agencies and programs that provide services to
86 children or that are responsible for a child's safety, including
87 the Department of Juvenile Justice, the Department of Health,
88 the Agency for Health Care Administration, the Agency for
89 Persons with Disabilities, the Department of Education, the
90 Department of Revenue, the school districts, the Statewide
91 Guardian Ad Litem Office, and any provider contracting with such
92 agencies, may share with each other confidential records or
93 information that are confidential or exempt from disclosure
94 under chapter 119 if the records or information are reasonably
95 necessary to ensure access to appropriate services for the
96 child, including child support enforcement services, or for the
97 safety of the child. However:

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



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100 (b) This subsection does not apply to information
101 concerning clients and records of certified domestic violence
102 centers, which are confidential under s. 39.908 and privileged
103 under s. 90.5036.
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105 ===== T I T L E A M E N D M E N T =====

106 And the title is amended as follows:

107 Delete lines 7 - 10

108 and insert:

109 central abuse hotline; amending s. 39.202, F.S.;

110 expanding access to certain confidential reports of

111 child abuse or neglect to include physicians,

112 psychologists, and mental health professionals;

113 expanding the list of persons or entities that have

114 access to child abuse records; revising how long the

115 department must keep such records; requiring the

116 department to provide notice of how the child's

117 records may be obtained after the child leaves the

118 department's custody; authorizing the department to

119 adopt rules; creating s. 39.00145, F.S.; requiring

120 that the case record of a child under the supervision

121 or in the custody of the Department of Children and

122 Family Services be maintained in a complete and

123 accurate manner; specifying who has access to the case

124 record; authorizing the court to directly release the

125 child's records to certain entities; providing that

126 entities that have access to confidential information

127 concerning a child may share it with other entities

128 that provide services benefiting children; providing



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for exceptions for the sharing of confidential
information under certain circumstances;