

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

586-02386-09

20091276c1

1                   A bill to be entitled  
2           An act relating to care of children; creating the  
3           “Zahid Jones, Jr., Give Grandparents and Other  
4           Relatives a Voice Act”; amending s. 39.201, F.S.;  
5           providing for the Department of Children and Family  
6           Services to analyze certain unaccepted reports to the  
7           central abuse hotline; amending s. 39.202, F.S.;  
8           expanding access to certain confidential reports of  
9           child abuse or neglect to include physicians,  
10          psychologists, and mental health professionals;  
11          amending s. 39.301, F.S.; requiring information to be  
12          provided to a reporter; authorizing the submission of  
13          a written report; providing conditions for a relative  
14          to be a collateral contact in certain child protective  
15          investigations; providing for a relative to request  
16          notice of proceedings and hearings relating to  
17          protective investigations under certain circumstances;  
18          specifying content of the request; conforming cross-  
19          references; amending s. 39.304, F.S.; providing for  
20          preservation in department records of certain  
21          photographs and X rays and reports on medical  
22          examinations and treatments of an abused child;  
23          amending s. 39.402, F.S.; requiring notification of  
24          certain relatives in an order for placement of a child  
25          in shelter care of their right to attend hearings,  
26          submit reports to the court, and speak to the court;  
27          amending s. 39.502, F.S.; providing for certain  
28          relatives to receive notice of dependency hearings  
29          under certain circumstances; providing an opportunity

586-02386-09

20091276c1

30 for certain relatives to be heard in court; providing  
31 an exception; amending s. 39.506, F.S.; providing for  
32 certain relatives to receive notice of arraignment  
33 hearings under certain circumstances; amending s.  
34 39.5085, F.S.; revising legislative intent with regard  
35 to the Relative Caregiver Program; authorizing the  
36 department to develop liaison functions for certain  
37 relatives; amending s. 39.6011, F.S.; requiring a case  
38 plan for a child receiving services from the  
39 department to include a protocol for notification of  
40 certain relatives of proceedings and hearings;  
41 amending s. 39.6013, F.S.; conforming a cross-  
42 reference; amending s. 39.701, F.S.; requiring an  
43 attorney for the department to provide notice to  
44 certain relatives of the child regarding upcoming  
45 judicial hearings; conforming cross-references;  
46 amending s. 39.823, F.S.; conforming a cross-  
47 reference; amending s. 683.10, F.S.; designating the  
48 first Sunday after Labor Day as "Grandparents' and  
49 Family Caregivers' Day"; authorizing the Governor to  
50 issue proclamations commemorating the occasion;  
51 providing an effective date.

52  
53 Be It Enacted by the Legislature of the State of Florida:

54  
55 Section 1. This act may be cited as the "Zahid Jones, Jr.,  
56 Give Grandparents and Other Relatives a Voice Act."

57 Section 2. Subsection (7) of section 39.201, Florida  
58 Statutes, is amended to read:

586-02386-09

20091276c1

59 39.201 Mandatory reports of child abuse, abandonment, or  
60 neglect; mandatory reports of death; central abuse hotline.—

61 (7) On an ongoing basis, the department's quality assurance  
62 program shall review calls, fax reports, and web-based reports  
63 to the hotline involving three or more unaccepted reports on a  
64 single child, where jurisdiction applies, in order to detect  
65 such things as harassment and situations that warrant an  
66 investigation because of the frequency or variety of the source  
67 of the reports. A component of the quality assurance program  
68 shall analyze unaccepted reports to the hotline by identified  
69 relatives as a part of the review of screened out calls. The  
70 Program Director for Family Safety may refer a case for  
71 investigation when it is determined, as a result of this review,  
72 that an investigation may be warranted.

73 Section 3. Paragraph (r) is added to subsection (2) of  
74 section 39.202, Florida Statutes, to read:

75 39.202 Confidentiality of reports and records in cases of  
76 child abuse or neglect.—

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

81 (r) A physician licensed under chapter 458 or chapter 459,  
82 a psychologist licensed under chapter 490, or a mental health  
83 professional licensed under chapter 491 engaged in the care or  
84 treatment of the child.

85 Section 4. Subsections (6) through (23) of section 39.301,  
86 Florida Statutes, are renumbered as subsections (7) through  
87 (24), respectively, paragraph (c) of present subsection (9),

586-02386-09

20091276c1

88 present subsection (10), and paragraph (b) of present subsection  
89 (14) are amended, and a new subsection (6) is added to that  
90 section, to read:

91 39.301 Initiation of protective investigations.-

92 (6) Upon commencing an investigation under this part, if a  
93 report was received from a reporter under s. 39.201(1)(b), the  
94 protective investigator must provide his or her contact  
95 information to the reporter within 24 hours after being assigned  
96 to the investigation. The investigator must also advise the  
97 reporter that he or she may provide a written summary of the  
98 report made to the central abuse hotline to the investigator  
99 which shall become a part of the master file.

100 (10)-(9)-

101 (c) The determination that a report requires an  
102 investigation as provided in this subsection and does not  
103 require an enhanced onsite child protective investigation  
104 pursuant to subsection (11) ~~(10)~~ must be approved in writing by  
105 the supervisor with documentation specifying why additional  
106 investigative activities are not necessary.

107 (11)-(10)(a) For each report that meets one or more of the  
108 following criteria, the department shall perform an enhanced  
109 onsite child protective investigation:

110 1. Any allegation that involves physical abuse, sexual  
111 abuse, domestic violence, substance abuse or substance exposure,  
112 medical neglect, a child younger than 3 years of age, or a child  
113 who is disabled or lacks communication skills.

114 2. Any report that involves an individual who has been the  
115 subject of a prior report containing some indicators or verified  
116 findings of abuse, neglect, or abandonment.

586-02386-09

20091276c1

117 3. Any report that does not contain compelling evidence  
118 that the maltreatment did not occur.

119 4. Any report that does not meet the criteria for an onsite  
120 child protective investigation as set forth in subsection (10)  
121 ~~(9)~~.

122 (b) The enhanced onsite child protective investigation  
123 shall include, but is not limited to:

124 1. A face-to-face interview with the child, other siblings,  
125 parents or legal custodians or caregivers, and other adults in  
126 the household;

127 2. Collateral contacts;

128 3. Contact with the reporter as required by rule;

129 4. An onsite assessment of the child's residence in  
130 accordance with paragraph (10) ~~(9)~~ (b); and

131 5. An updated assessment.

132

133 Detailed documentation is required for the investigative  
134 activities.

135 (15) ~~(14)~~

136 (b) The parents or legal custodians shall be informed of  
137 the right to refuse services, as well as the responsibility of  
138 the department to protect the child regardless of the acceptance  
139 or refusal of services. If the services are refused, a  
140 collateral contact required under subparagraph (11) (b) 2. shall  
141 include a relative, if the protective investigator has knowledge  
142 of and the ability to contact a relative. If the services are  
143 refused and the department deems that the child's need for  
144 protection so requires, the department shall take the child into  
145 protective custody or petition the court as provided in this

586-02386-09

20091276c1

146 chapter. At any time after the commencement of a protective  
147 investigation, a relative may submit in writing to the  
148 protective investigator or case manager a request to receive  
149 notification of all proceedings and hearings in accordance with  
150 s. 39.502. The request shall include the relative's name,  
151 address, and phone number and the relative's relationship to the  
152 child. The protective investigator or case manager shall forward  
153 such request to the attorney for the department.

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

156 39.304 Photographs, medical examinations, X rays, and  
157 medical treatment of abused, abandoned, or neglected child.—

158 (4) Any photograph or report on examinations made or X rays  
159 taken pursuant to this section, or copies thereof, shall be sent  
160 to the department as soon as possible and shall be preserved in  
161 permanent form in records held by the department.

162 Section 6. Paragraph (h) of subsection (8) of section  
163 39.402, Florida Statutes, is amended to read:

164 39.402 Placement in a shelter.—

165 (8)

166 (h) The order for placement of a child in shelter care must  
167 identify the parties present at the hearing and must contain  
168 written findings:

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

171 2. That placement in shelter care is in the best interest  
172 of the child.

173 3. That continuation of the child in the home is contrary  
174 to the welfare of the child because the home situation presents

586-02386-09

20091276c1

175 a substantial and immediate danger to the child's physical,  
176 mental, or emotional health or safety which cannot be mitigated  
177 by the provision of preventive services.

178 4. That based upon the allegations of the petition for  
179 placement in shelter care, there is probable cause to believe  
180 that the child is dependent or that the court needs additional  
181 time, which may not exceed 72 hours, in which to obtain and  
182 review documents pertaining to the family in order to  
183 appropriately determine the risk to the child.

184 5. That the department has made reasonable efforts to  
185 prevent or eliminate the need for removal of the child from the  
186 home. A finding of reasonable effort by the department to  
187 prevent or eliminate the need for removal may be made and the  
188 department is deemed to have made reasonable efforts to prevent  
189 or eliminate the need for removal if:

190 a. The first contact of the department with the family  
191 occurs during an emergency;

192 b. The appraisal of the home situation by the department  
193 indicates that the home situation presents a substantial and  
194 immediate danger to the child's physical, mental, or emotional  
195 health or safety which cannot be mitigated by the provision of  
196 preventive services;

197 c. The child cannot safely remain at home, either because  
198 there are no preventive services that can ensure the health and  
199 safety of the child or because, even with appropriate and  
200 available services being provided, the health and safety of the  
201 child cannot be ensured; or

202 d. The parent or legal custodian is alleged to have  
203 committed any of the acts listed as grounds for expedited

586-02386-09

20091276c1

204 termination of parental rights in s. 39.806(1)(f)-(i).

205 6. That the court notified the parents, relatives that are  
206 providing out-of-home care for the child, or legal custodians of  
207 the time, date, and location of the next dependency hearing and  
208 of the importance of the active participation of the parents,   
209 relatives that are providing out-of-home care for the child, or  
210 legal custodians in all proceedings and hearings.

211 7. That the court notified the parents or legal custodians  
212 of their right to counsel to represent them at the shelter  
213 hearing and at each subsequent hearing or proceeding, and the  
214 right of the parents to appointed counsel, pursuant to the  
215 procedures set forth in s. 39.013.

216 8. That the court notified relatives who are providing out-  
217 of-home care for a child as a result of the shelter petition  
218 being granted, and any relative requesting notification pursuant  
219 to s. 39.301(15)(b), that they have the right to attend all  
220 subsequent hearings, to submit reports to the court, and to  
221 speak to the court regarding the child, if they so desire.

222 Section 7. Subsection (1) of section 39.502, Florida  
223 Statutes, is amended, and subsection (19) is added to that  
224 section, to read:

225 39.502 Notice, process, and service.—

226 (1) Unless parental rights have been terminated, all  
227 parents must be notified of all proceedings or hearings  
228 involving the child. Notice in cases involving shelter hearings  
229 and hearings resulting from medical emergencies must be that  
230 most likely to result in actual notice to the parents. In all  
231 other dependency proceedings, notice must be provided in  
232 accordance with subsections (4)-(9), except when a relative



586-02386-09

20091276c1

233 requests notification pursuant to s. 39.301(15)(b), in which  
234 case notice shall be provided pursuant to subsection (19).

235 (19) In all proceedings under this part, the attorney for  
236 the department shall notify, orally or in writing, a relative  
237 requesting notification pursuant to s. 39.301(15)(b) of the  
238 date, time, and location of such proceedings, and make all  
239 reasonable efforts to ensure that all relatives who have  
240 requested notification pursuant to s. 39.301(15)(b) are given an  
241 opportunity to be heard by the court if the relative so desires.  
242 The court has the discretion to release the attorney for the  
243 department from notifying a relative who requested notification  
244 pursuant to s. 39.301(15)(b) if the relative's involvement is  
245 determined to be impeding the dependency process or detrimental  
246 to the child's well-being.

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

249 39.506 Arraignment hearings.—

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

254 Section 9. Paragraphs (a) through (d) of subsection (1) of  
255 section 39.5085, Florida Statutes, are redesignated as  
256 paragraphs (b) through (e), respectively, a new paragraph (a) is  
257 added to subsection (1), and paragraph (g) of subsection (2) of  
258 that section is amended, to read:

259 39.5085 Relative Caregiver Program.—

260 (1) It is the intent of the Legislature in enacting this  
261 section to:

586-02386-09

20091276c1

262       (a) Provide for the establishment of procedures and  
263 protocols that serve to advance the continued safety of children  
264 by acknowledging the valued resource uniquely available through  
265 grandparents and relatives of children.

266       (2)

267       (g) The department may use appropriate available state,  
268 federal, and private funds to operate the Relative Caregiver  
269 Program. The department may develop liaison functions to be  
270 available to relatives who care for children pursuant to this  
271 chapter to ensure placement stability in extended family  
272 settings.

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

275       39.6011 Case plan development.—

276       (4) The case plan must describe:

277       (a) The role of the foster parents or legal custodians when  
278 developing the services that are to be provided to the child,  
279 foster parents, or legal custodians;

280       (b) The responsibility of the case manager to forward a  
281 relative's request to receive notification of all proceedings  
282 and hearings submitted pursuant to s. 39.301(15)(b) to the  
283 attorney for the department;

284       (c) ~~(b)~~ The minimum number of face-to-face meetings to be  
285 held each month between the parents and the department's family  
286 services counselors to review the progress of the plan, to  
287 eliminate barriers to progress, and to resolve conflicts or  
288 disagreements; and

289       (d) ~~(e)~~ The parent's responsibility for financial support of  
290 the child, including, but not limited to, health insurance and

586-02386-09

20091276c1

291 child support. The case plan must list the costs associated with  
292 any services or treatment that the parent and child are expected  
293 to receive which are the financial responsibility of the parent.  
294 The determination of child support and other financial support  
295 shall be made independently of any determination of indigency  
296 under s. 39.013.

297 Section 11. Subsection (6) of section 39.6013, Florida  
298 Statutes, is amended to read:

299 39.6013 Case plan amendments.—

300 (6) The case plan is deemed amended as to the child's  
301 health, mental health, and education records required by s.  
302 39.6012 when the child's updated health and education records  
303 are filed by the department under s. 39.701(8)~~(7)~~(a).

304 Section 12. Subsections (6) through (9) of section 39.701,  
305 Florida Statutes, are renumbered as subsections (7) through  
306 (10), respectively, a new subsection (6) is added to that  
307 section, and paragraph (c) of subsection (2), paragraph (b) of  
308 present subsection (6), and paragraph (a) of present subsection  
309 (9) are amended, to read:

310 39.701 Judicial review.—

311 (2)

312 (c) Notice of a hearing by a citizen review panel must be  
313 provided as set forth in subsection (5). At the conclusion of a  
314 citizen review panel hearing, each party may propose a  
315 recommended order to the chairperson of the panel. Thereafter,  
316 the citizen review panel shall submit its report, copies of the  
317 proposed recommended orders, and a copy of the panel's  
318 recommended order to the court. The citizen review panel's  
319 recommended order must be limited to the dispositional options

586-02386-09

20091276c1

320 available to the court in subsection (10) ~~(9)~~. Each party may  
321 file exceptions to the report and recommended order of the  
322 citizen review panel in accordance with Rule 1.490, Florida  
323 Rules of Civil Procedure.

324 (6) The attorney for the department shall notify a relative  
325 who submits a request for notification of all proceedings and  
326 hearings pursuant to s. 39.301(15)(b). The notice shall include  
327 the date, time, and location of the next judicial review  
328 hearing.

329 (7) ~~(6)~~

330 (b) At the first judicial review hearing held subsequent to  
331 the child's 17th birthday, in addition to the requirements of  
332 subsection (8) ~~(7)~~, the department shall provide the court with  
333 an updated case plan that includes specific information related  
334 to independent living services that have been provided since the  
335 child's 13th birthday, or since the date the child came into  
336 foster care, whichever came later.

337 (10) ~~(9)~~ (a) Based upon the criteria set forth in subsection  
338 (9) ~~(8)~~ and the recommended order of the citizen review panel,  
339 if any, the court shall determine whether or not the social  
340 service agency shall initiate proceedings to have a child  
341 declared a dependent child, return the child to the parent,  
342 continue the child in out-of-home care for a specified period of  
343 time, or initiate termination of parental rights proceedings for  
344 subsequent placement in an adoptive home. Amendments to the case  
345 plan must be prepared as prescribed in s. 39.6013. If the court  
346 finds that the prevention or reunification efforts of the  
347 department will allow the child to remain safely at home or be  
348 safely returned to the home, the court shall allow the child to

586-02386-09

20091276c1

349 remain in or return to the home after making a specific finding  
350 of fact that the reasons for the creation of the case plan have  
351 been remedied to the extent that the child's safety, well-being,  
352 and physical, mental, and emotional health will not be  
353 endangered.

354 Section 13. Section 39.823, Florida Statutes, is amended to  
355 read:

356 39.823 Guardian advocates for drug dependent newborns.—The  
357 Legislature finds that increasing numbers of drug dependent  
358 children are born in this state. Because of the parents'  
359 continued dependence upon drugs, the parents may temporarily  
360 leave their child with a relative or other adult or may have  
361 agreed to voluntary family services under s. 39.301(15) ~~(14)~~. The  
362 relative or other adult may be left with a child who is likely  
363 to require medical treatment but for whom they are unable to  
364 obtain medical treatment. The purpose of this section is to  
365 provide an expeditious method for such relatives or other  
366 responsible adults to obtain a court order which allows them to  
367 provide consent for medical treatment and otherwise advocate for  
368 the needs of the child and to provide court review of such  
369 authorization.

370 Section 14. Section 683.10, Florida Statutes, is amended to  
371 read:

372 683.10 Grandparents' and Family Caregivers' ~~Grandmother's~~  
373 Day.—

374 (1) The first Sunday after Labor Day ~~second Sunday of~~  
375 ~~October~~ of each year is designated "Grandparents' and Family  
376 Caregivers' ~~Grandmother's~~ Day."

377 (2) The Governor may issue annually a proclamation

586-02386-09

20091276c1

378 designating the first Sunday after Labor Day ~~second Sunday of~~  
379 ~~October~~ as Grandparents' and Family Caregivers' Grandmother's  
380 Day and calling upon public schools and citizens of the state to  
381 observe the occasion.

382 Section 15. This act shall take effect July 1, 2009.