

1 A bill to be entitled
2 An act relating to child protection; amending s.
3 39.01, F.S.; revising the definition of "institutional
4 child abuse or neglect"; amending s. 39.013, F.S.;
5 specifying when jurisdiction attaches for a petition
6 for an injunction to prevent child abuse issued
7 pursuant to specified provisions; amending s. 39.0138,
8 F.S.; revising provisions relating to criminal history
9 records check on persons being considered for
10 placement of a child; requiring a records check
11 through the State Automated Child Welfare Information
12 System; providing for an out-of-state criminal history
13 records check of certain persons who have lived out of
14 state if such records may be obtained; amending s.
15 39.201, F.S.; providing procedures for calls from a
16 parent or legal custodian seeking assistance for
17 himself or herself which do not meet the criteria for
18 being a report of child abuse, abandonment, or
19 neglect, but show a potential future risk of harm to a
20 child and requiring a referral if a need for community
21 services exists; specifying that the central abuse
22 hotline is the first step in the safety assessment and
23 investigation process; amending s. 39.205, F.S.;
24 permitting discontinuance of an investigation of child
25 abuse, abandonment, or neglect during the course of
26 the investigation if it is determined that the report
27 was false; amending s. 39.301, F.S.; substituting
28 references to a standard electronic child welfare case

29 | for a master file; revising requirements for such a
30 | file; revising requirements for informing the subject
31 | of an investigation; deleting provisions relating to a
32 | preliminary determination as to whether an
33 | investigation report is complete; revising
34 | requirements for child protective investigation
35 | activities to be performed to determine child safety;
36 | specifying uses for certain criminal justice
37 | information accesses by child protection
38 | investigators; requiring documentation of the present
39 | and impending dangers to each child through use of a
40 | standardized safety assessment; revising provisions
41 | relating to required protective, treatment, and
42 | ameliorative services; revising requirements for the
43 | Department of Children and Family Service's training
44 | program for staff responsible for responding to
45 | reports accepted by the central abuse hotline;
46 | requiring the department's training program at the
47 | regional and district levels to include results of
48 | qualitative reviews of child protective investigation
49 | cases handled within the region or district; revising
50 | requirements for the department's quality assurance
51 | program; amending s. 39.302, F.S.; requiring that a
52 | protective investigation must include an interview
53 | with the child's parent or legal guardian; amending s.
54 | 39.307, F.S.; requiring the department, contracted
55 | sheriff's office providing protective investigation
56 | services, or contracted case management personnel

57 | responsible for providing services to adhere to
58 | certain procedures relating to reports of child-on-
59 | child sexual abuse; deleting a requirement that an
60 | assessment of service and treatment needs to be
61 | completed within a specified period; amending s.
62 | 39.504, F.S.; revising provisions relating to the
63 | process for seeking a child protective injunction;
64 | providing for temporary ex parte injunctions;
65 | providing requirements for service on an alleged
66 | offender; revising provisions relating to the contents
67 | of an injunction; providing for certain relief;
68 | providing requirements for notice of a hearing on a
69 | motion to modify or dissolve an injunction; providing
70 | that a person against whom an injunction is entered
71 | does not automatically become a party to a subsequent
72 | dependency action concerning the same child; amending
73 | s. 39.521, F.S.; requiring a home study report if a
74 | child has been removed from the home and will be
75 | remaining with a parent; substituting references to
76 | the State Automated Child Welfare Information System
77 | for the Florida Abuse Hotline Information System
78 | applicable to records checks; authorizing submission
79 | of fingerprints of certain household members;
80 | authorizing requests for national criminal history
81 | checks and fingerprinting of any visitor to the home
82 | known to the department; amending s. 39.6011, F.S.;
83 | providing additional options for the court with
84 | respect to case plans; providing for expiration of a

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85 | child's case plan no later than 12 months after the
86 | date the child was adjudicated dependent; conforming a
87 | cross-reference to changes made by the act; amending
88 | s. 39.621, F.S.; revising terminology relating to
89 | permanency determinations; amending s. 39.701, F.S.;
90 | providing that a court must schedule a judicial review
91 | hearing if the citizen review panel recommends
92 | extending the goal of reunification for any case plan
93 | beyond 12 months from the date the child was
94 | adjudicated dependent, unless specified other events
95 | occurred earlier; conforming a cross-reference to
96 | changes made by the act; amending s. 39.8055, F.S.;
97 | requiring the department to file a petition to
98 | terminate parental rights within a certain number of
99 | days after the completion of a specified period after
100 | the child was sheltered or adjudicated dependent,
101 | whichever occurs first; amending s. 39.806, F.S.;
102 | increasing the number of months of failure of the
103 | parent or parents to substantially comply with a
104 | child's case plan in certain circumstances that
105 | constitutes evidence of continuing abuse, neglect, or
106 | abandonment and grounds for termination of parental
107 | rights; revising a cross-reference; amending ss.
108 | 39.502, 39.823, and 39.828, F.S.; conforming cross-
109 | references to changes made by the act; providing an
110 | effective date.

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112 | Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsection (33) of section 39.01, Florida Statutes, is amended to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(33) "Institutional child abuse or neglect" means situations of known or suspected child abuse or neglect in which the person allegedly perpetrating the child abuse or neglect is an employee of a private school, public or private day care center, residential home, institution, facility, or agency or any other person at such institution responsible for the child's care as defined in subsection (47).

Section 2. Subsection (2) of section 39.013, Florida Statutes, is amended to read:

39.013 Procedures and jurisdiction; right to counsel.—

(2) The circuit court has exclusive original jurisdiction of all proceedings under this chapter, of a child voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, or the department, and of the adoption of children whose parental rights have been terminated under this chapter. Jurisdiction attaches when the initial shelter petition, dependency petition, or termination of parental rights petition, or a petition for an injunction to prevent child abuse issued pursuant to s. 39.504, is filed or when a child is taken into the custody of the department. The circuit court may assume jurisdiction over any such proceeding regardless of whether the child was in the physical custody of both parents, was in the sole legal or physical custody of only one parent, caregiver, or

141 | some other person, or was not in the physical or legal custody
142 | of any ~~no~~ person when the event or condition occurred that
143 | brought the child to the attention of the court. When the court
144 | obtains jurisdiction of any child who has been found to be
145 | dependent, the court shall retain jurisdiction, unless
146 | relinquished by its order, until the child reaches 18 years of
147 | age. However, if a youth petitions the court at any time before
148 | his or her 19th birthday requesting the court's continued
149 | jurisdiction, the juvenile court may retain jurisdiction under
150 | this chapter for a period not to exceed 1 year following the
151 | youth's 18th birthday for the purpose of determining whether
152 | appropriate aftercare support, Road-to-Independence Program,
153 | transitional support, mental health, and developmental
154 | disability services, to the extent otherwise authorized by law,
155 | have been provided to the formerly dependent child who was in
156 | the legal custody of the department immediately before his or
157 | her 18th birthday. If a petition for special immigrant juvenile
158 | status and an application for adjustment of status have been
159 | filed on behalf of a foster child and the petition and
160 | application have not been granted by the time the child reaches
161 | 18 years of age, the court may retain jurisdiction over the
162 | dependency case solely for the purpose of allowing the continued
163 | consideration of the petition and application by federal
164 | authorities. Review hearings for the child shall be set solely
165 | for the purpose of determining the status of the petition and
166 | application. The court's jurisdiction terminates upon the final
167 | decision of the federal authorities. Retention of jurisdiction
168 | in this instance does not affect the services available to a

169 young adult under s. 409.1451. The court may not retain
 170 jurisdiction of the case after the immigrant child's 22nd
 171 birthday.

172 Section 3. Subsection (1) of section 39.0138, Florida
 173 Statutes, is amended to read:

174 39.0138 Criminal history and other records checks ~~check~~;
 175 limit on placement of a child.—

176 (1) The department shall conduct a records check through
 177 the State Automated Child Welfare Information System (SACWIS)
 178 and a local and statewide criminal history records check on all
 179 persons, including parents, being considered by the department
 180 for placement of a child ~~subject to a placement decision~~ under
 181 this chapter, including all nonrelative placement decisions, and
 182 all members of the household, 12 years of age and older, of the
 183 person being considered, ~~and frequent visitors to the household.~~
 184 For purposes of this section, a criminal history records check
 185 may include, but is not limited to, submission of fingerprints
 186 to the Department of Law Enforcement for processing and
 187 forwarding to the Federal Bureau of Investigation for state and
 188 national criminal history information, and local criminal
 189 records checks through local law enforcement agencies of all
 190 household members 18 years of age and older and other visitors
 191 to the home. An out-of-state criminal history records check must
 192 be initiated for any person 18 years of age or older who resided
 193 in another state if that state allows the release of such
 194 records. A criminal history records check must also include a
 195 ~~search of the department's automated abuse information system.~~
 196 The department shall establish by rule standards for evaluating

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197 any information contained in the automated system relating to a
198 person who must be screened for purposes of making a placement
199 decision.

200 Section 4. Paragraph (a) of subsection (2) and subsection
201 (4) of section 39.201, Florida Statutes, are amended to read:

202 39.201 Mandatory reports of child abuse, abandonment, or
203 neglect; mandatory reports of death; central abuse hotline.—

204 (2) (a) Each report of known or suspected child abuse,
205 abandonment, or neglect by a parent, legal custodian, caregiver,
206 or other person responsible for the child's welfare as defined
207 in this chapter, except those solely under s. 827.04(3), and
208 each report that a child is in need of supervision and care and
209 has no parent, legal custodian, or responsible adult relative
210 immediately known and available to provide supervision and care
211 shall be made immediately to the department's central abuse
212 hotline. Such reports may be made on the single statewide toll-
213 free telephone number or via fax or web-based report. Personnel
214 at the department's central abuse hotline shall determine if the
215 report received meets the statutory definition of child abuse,
216 abandonment, or neglect. Any report meeting one of these
217 definitions shall be accepted for the protective investigation
218 pursuant to part III of this chapter. Any call received from a
219 parent or legal custodian seeking assistance for himself or
220 herself which does not meet the criteria for being a report of
221 child abuse, abandonment, or neglect may be accepted by the
222 hotline for response to ameliorate a potential future risk of
223 harm to a child. If it is determined by a child welfare
224 professional that a need for community services exists, the

225 department shall refer the parent or legal custodian for
226 appropriate voluntary community services.

227 (4) The department shall operate ~~establish~~ and maintain a
228 central abuse hotline to receive all reports made pursuant to
229 this section in writing, via fax, via web-based reporting, or
230 through a single statewide toll-free telephone number, which any
231 person may use to report known or suspected child abuse,
232 abandonment, or neglect at any hour of the day or night, any day
233 of the week. The central abuse hotline is the first step in the
234 safety assessment and investigation process. The central abuse
235 hotline shall be operated in such a manner as to enable the
236 department to:

237 (a) Immediately identify and locate prior reports or cases
238 of child abuse, abandonment, or neglect through utilization of
239 the department's automated tracking system.

240 (b) Monitor and evaluate the effectiveness of the
241 department's program for reporting and investigating suspected
242 abuse, abandonment, or neglect of children through the
243 development and analysis of statistical and other information.

244 (c) Track critical steps in the investigative process to
245 ensure compliance with all requirements for any report of abuse,
246 abandonment, or neglect.

247 (d) Maintain and produce aggregate statistical reports
248 monitoring patterns of child abuse, child abandonment, and child
249 neglect. The department shall collect and analyze child-on-child
250 sexual abuse reports and include the information in aggregate
251 statistical reports.

252 (e) Serve as a resource for the evaluation, management,

253 and planning of preventive and remedial services for children
 254 who have been subject to abuse, abandonment, or neglect.

255 (f) Initiate and enter into agreements with other states
 256 for the purpose of gathering and sharing information contained
 257 in reports on child maltreatment to further enhance programs for
 258 the protection of children.

259 Section 5. Subsections (3) and (5) of section 39.205,
 260 Florida Statutes, are amended to read:

261 39.205 Penalties relating to reporting of child abuse,
 262 abandonment, or neglect.—

263 (3) A person who knowingly and willfully makes public or
 264 discloses any confidential information contained in the central
 265 abuse hotline or in the records of any child abuse, abandonment,
 266 or neglect case, except as provided in this chapter, commits ~~is~~
 267 ~~guilty of~~ a misdemeanor of the second degree, punishable as
 268 provided in s. 775.082 or s. 775.083.

269 (5) If the department or its authorized agent has
 270 determined during the course of ~~after~~ its investigation that a
 271 report is a false report, the department may discontinue all
 272 investigative activities and shall, with the consent of the
 273 alleged perpetrator, refer the report to the local law
 274 enforcement agency having jurisdiction for an investigation to
 275 determine whether sufficient evidence exists to refer the case
 276 for prosecution for filing a false report as defined in s.
 277 39.01. During the pendency of the investigation, the department
 278 must notify the local law enforcement agency of, and the local
 279 law enforcement agency must respond to, all subsequent reports
 280 concerning children in that same family in accordance with s.

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281 39.301. If the law enforcement agency believes that there are
282 indicators of abuse, abandonment, or neglect, it must
283 immediately notify the department, which must ensure the safety
284 of the children. If the law enforcement agency finds sufficient
285 evidence for prosecution for filing a false report, it must
286 refer the case to the appropriate state attorney for
287 prosecution.

288 Section 6. Section 39.301, Florida Statutes, is amended to
289 read:

290 39.301 Initiation of protective investigations.—

291 (1) Upon receiving a report of known or suspected child
292 abuse, abandonment, or neglect, or that a child is in need of
293 supervision and care and has no parent, legal custodian, or
294 responsible adult relative immediately known and available to
295 provide supervision and care, the central abuse hotline shall
296 determine if the report requires an immediate onsite protective
297 investigation. For reports requiring an immediate onsite
298 protective investigation, the central abuse hotline shall
299 immediately notify the department's designated district staff
300 responsible for protective investigations to ensure that an
301 onsite investigation is promptly initiated. For reports not
302 requiring an immediate onsite protective investigation, the
303 central abuse hotline shall notify the department's designated
304 district staff responsible for protective investigations in
305 sufficient time to allow for an investigation. At the time of
306 notification, the central abuse hotline shall also provide
307 information to district staff on any previous report concerning
308 a subject of the present report or any pertinent information

309 relative to the present report or any noted earlier reports.

310 (2) (a) The department shall immediately forward
 311 allegations of criminal conduct to the municipal or county law
 312 enforcement agency of the municipality or county in which the
 313 alleged conduct has occurred.

314 (b) As used in this subsection, the term "criminal
 315 conduct" means:

316 1. A child is known or suspected to be the victim of child
 317 abuse, as defined in s. 827.03, or of neglect of a child, as
 318 defined in s. 827.03.

319 2. A child is known or suspected to have died as a result
 320 of abuse or neglect.

321 3. A child is known or suspected to be the victim of
 322 aggravated child abuse, as defined in s. 827.03.

323 4. A child is known or suspected to be the victim of
 324 sexual battery, as defined in s. 827.071, or of sexual abuse, as
 325 defined in s. 39.01.

326 5. A child is known or suspected to be the victim of
 327 institutional child abuse or neglect, as defined in s. 39.01,
 328 and as provided for in s. 39.302(1).

329 6. A child is known or suspected to be a victim of human
 330 trafficking, as provided in s. 787.06.

331 (c) Upon receiving a written report of an allegation of
 332 criminal conduct from the department, the law enforcement agency
 333 shall review the information in the written report to determine
 334 whether a criminal investigation is warranted. If the law
 335 enforcement agency accepts the case for criminal investigation,
 336 it shall coordinate its investigative activities with the

337 department, whenever feasible. If the law enforcement agency
338 does not accept the case for criminal investigation, the agency
339 shall notify the department in writing.

340 (d) The local law enforcement agreement required in s.
341 39.306 shall describe the specific local protocols for
342 implementing this section.

343 (3) The department shall maintain a single, standard
344 electronic child welfare case ~~master~~ file for each child whose
345 report is accepted by the central abuse hotline for
346 investigation. Such file must contain information concerning all
347 reports received by the abuse hotline concerning that child and
348 all services received by that child and family. The file must be
349 made available to any department staff, agent of the department,
350 or contract provider given responsibility for conducting a
351 protective investigation.

352 (4) To the extent practical, all protective investigations
353 involving a child shall be conducted or the work supervised by a
354 single individual in order for there to be broad knowledge and
355 understanding of the child's history. When a new investigator is
356 assigned to investigate a second and subsequent report involving
357 a child, a multidisciplinary staffing shall be conducted which
358 includes new and prior investigators, their supervisors, and
359 appropriate private providers in order to ensure that, to the
360 extent possible, there is coordination among all parties. The
361 department shall establish an internal operating procedure that
362 ensures that all required investigatory activities, including a
363 review of the child's complete investigative and protective
364 services history, are completed by the investigator, reviewed by

365 the supervisor in a timely manner, and signed and dated by both
 366 the investigator and the supervisor.

367 (5) (a) Upon commencing an investigation under this part,
 368 the child protective investigator shall inform any subject of
 369 the investigation of the following:

370 1. The names of the investigators and identifying
 371 credentials from the department.

372 2. The purpose of the investigation.

373 3. The right to obtain his or her own attorney and ways
 374 that the information provided by the subject may be used.

375 4. The possible outcomes and services of the department's
 376 response ~~shall be explained to the parent or legal custodian.~~

377 5. The right of the parent or legal custodian to be
 378 engaged ~~involved~~ to the fullest extent possible in determining
 379 the nature of the allegation and the nature of any identified
 380 problem and the remedy.

381 6. The duty of the parent or legal custodian to report any
 382 change in the residence or location of the child to the
 383 investigator and that the duty to report continues until the
 384 investigation is closed.

385 (b) The investigator shall ~~department's training program~~
 386 ~~shall ensure that protective investigators know how to fully~~
 387 inform parents or legal custodians of their rights and options,
 388 including opportunities for audio or video recording of
 389 investigators' interviews with parents or legal custodians or
 390 children.

391 (6) Upon commencing an investigation under this part, if a
 392 report was received from a reporter under s. 39.201(1) (b), the

393 protective investigator must provide his or her contact
394 information to the reporter within 24 hours after being assigned
395 to the investigation. The investigator must also advise the
396 reporter that he or she may provide a written summary of the
397 report made to the central abuse hotline to the investigator
398 which shall become a part of the electronic child welfare case
399 ~~master~~ file.

400 (7) An assessment of safety ~~risk~~ and the perceived needs
401 for the child and family shall be conducted in a manner that is
402 sensitive to the social, economic, and cultural environment of
403 the family. This assessment must include a face-to-face
404 interview with the child, other siblings, parents, and other
405 adults in the household and an onsite assessment of the child's
406 residence.

407 (8) Protective investigations shall be performed by the
408 department or its agent.

409 ~~(9) The person responsible for the investigation shall~~
410 ~~make a preliminary determination as to whether the report is~~
411 ~~complete, consulting with the attorney for the department when~~
412 ~~necessary. In any case in which the person responsible for the~~
413 ~~investigation finds that the report is incomplete, he or she~~
414 ~~shall return it without delay to the person or agency~~
415 ~~originating the report or having knowledge of the facts, or to~~
416 ~~the appropriate law enforcement agency having investigative~~
417 ~~jurisdiction, and request additional information in order to~~
418 ~~complete the report; however, the confidentiality of any report~~
419 ~~filed in accordance with this chapter shall not be violated.~~

420 ~~(a) If it is determined that the report is complete, but~~

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421 ~~the interests of the child and the public will be best served by~~
422 ~~providing the child care or other treatment voluntarily accepted~~
423 ~~by the child and the parents or legal custodians, the protective~~
424 ~~investigator may refer the parent or legal custodian and child~~
425 ~~for such care or other treatment.~~

426 ~~(b) If it is determined that the child is in need of the~~
427 ~~protection and supervision of the court, the department shall~~
428 ~~file a petition for dependency. A petition for dependency shall~~
429 ~~be filed in all cases classified by the department as high-risk.~~
430 ~~Factors that the department may consider in determining whether~~
431 ~~a case is high-risk include, but are not limited to, the young~~
432 ~~age of the parents or legal custodians; the use of illegal~~
433 ~~drugs; the arrest of the parents or legal custodians on charges~~
434 ~~of manufacturing, processing, disposing of, or storing, either~~
435 ~~temporarily or permanently, any substances in violation of~~
436 ~~chapter 893; or domestic violence.~~

437 ~~(c) If a petition for dependency is not being filed by the~~
438 ~~department, the person or agency originating the report shall be~~
439 ~~advised of the right to file a petition pursuant to this part.~~

440 ~~(9)(10)(a) For each report received from the central abuse~~
441 ~~hotline and accepted for investigation that meets one or more of~~
442 ~~the following criteria, the department or the sheriff providing~~
443 ~~child protective investigative services under s. 39.3065, shall~~
444 ~~perform the following an onsite child protective investigation~~
445 ~~activities to determine child safety:~~

446 ~~1. Conduct a review of all relevant, available information~~
447 ~~specific to the child and family and alleged maltreatment;~~
448 ~~family child welfare history; local, state, and federal criminal~~

449 records checks; and requests for law enforcement assistance
450 provided by the abuse hotline. Based on a review of available
451 information, including the allegations in the current report, a
452 determination shall be made as to whether immediate consultation
453 should occur with law enforcement, the child protection team, a
454 domestic violence shelter or advocate, or a substance abuse or
455 mental health professional. Such consultations should include
456 discussion as to whether a joint response is necessary and
457 feasible. A determination shall be made as to whether the person
458 making the report should be contacted before the face-to-face
459 interviews with the child and family members ~~A report for which~~
460 ~~there is obvious compelling evidence that no maltreatment~~
461 ~~occurred and there are no prior reports containing some~~
462 ~~indicators or verified findings of abuse or neglect with respect~~
463 ~~to any subject of the report or other individuals in the home. A~~
464 ~~prior report in which an adult in the home was a victim of abuse~~
465 ~~or neglect before becoming an adult does not exclude a report~~
466 ~~otherwise meeting the criteria of this subparagraph from the~~
467 ~~onsite child protective investigation provided for in this~~
468 ~~subparagraph. The process for an onsite child protective~~
469 ~~investigation stipulated in this subsection may not be conducted~~
470 ~~if an allegation meeting the criteria of this subparagraph~~
471 ~~involves physical abuse, sexual abuse, domestic violence,~~
472 ~~substance abuse or substance exposure, medical neglect, a child~~
473 ~~younger than 3 years of age, or a child who is disabled or lacks~~
474 ~~communication skills.~~

475 2. Conduct ~~A report concerning an incident of abuse which~~
476 ~~is alleged to have occurred 2 or more years prior to the date of~~

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477 ~~the report and there are no other indicators of risk to any~~
478 ~~child in the home.~~

479 ~~(b) The onsite child protective investigation to be~~
480 ~~performed shall include a face-to-face interviews interview with~~
481 ~~the child; other siblings, if any; and the parents, legal~~
482 ~~custodians, or caregivers.; and other adults in the household~~
483 ~~and an onsite assessment of the child's residence in order to:~~

484 ~~3.1. Assess the child's residence, including a~~
485 ~~determination of Determine the composition of the family and or~~
486 ~~household, including the name, address, date of birth, social~~
487 ~~security number, sex, and race of each child named in the~~
488 ~~report; any siblings or other children in the same household or~~
489 ~~in the care of the same adults; the parents, legal custodians,~~
490 ~~or caregivers; and any other adults in the same household.~~

491 ~~4.2. Determine whether there is any indication that any~~
492 ~~child in the family or household has been abused, abandoned, or~~
493 ~~neglected; the nature and extent of present or prior injuries,~~
494 ~~abuse, or neglect, and any evidence thereof; and a determination~~
495 ~~as to the person or persons apparently responsible for the~~
496 ~~abuse, abandonment, or neglect, including the name, address,~~
497 ~~date of birth, social security number, sex, and race of each~~
498 ~~such person.~~

499 ~~5.3. Complete assessment of immediate child safety for~~
500 ~~Determine the immediate and long-term risk to each child based~~
501 ~~on available records, interviews, and observations with all~~
502 ~~persons named in subparagraph 2. and appropriate collateral~~
503 ~~contacts, which may include other professionals by conducting~~
504 ~~state and federal records checks, including, when feasible, the~~

505 ~~records of the Department of Corrections, on the parents, legal~~
506 ~~eustodians, or caregivers, and any other persons in the same~~
507 ~~household. This information shall be used solely for purposes~~
508 ~~supporting the detection, apprehension, prosecution, pretrial~~
509 ~~release, posttrial release, or rehabilitation of criminal~~
510 ~~offenders or persons accused of the crimes of child abuse,~~
511 ~~abandonment, or neglect and shall not be further disseminated or~~
512 ~~used for any other purpose.~~ The department's child protection
513 investigators are hereby designated a criminal justice agency
514 for the purpose of accessing criminal justice information to be
515 used for enforcing this state's laws concerning the crimes of
516 child abuse, abandonment, and neglect. This information shall be
517 used solely for purposes supporting the detection, apprehension,
518 prosecution, pretrial release, posttrial release, or
519 rehabilitation of criminal offenders or persons accused of the
520 crimes of child abuse, abandonment, or neglect and may not be
521 further disseminated or used for any other purpose.

522 6.4. Document the present and impending dangers ~~Determine~~
523 ~~the immediate and long-term risk to each child based on the~~
524 identification of inadequate protective capacity through
525 utilization of a standardized safety risk assessment instrument
526 instruments.

527 (b) Upon completion of the immediate safety assessment,
528 the department shall determine the additional activities
529 necessary to assess impending dangers, if any, and close the
530 investigation.

531 ~~5. Based on the information obtained from available~~
532 ~~sources, complete the risk assessment instrument within 48 hours~~

533 ~~after the initial contact and, if needed, develop a case plan.~~

534 (c)6. For each report received from the central abuse
535 hotline, the department or the sheriff providing child
536 protective investigative services under s. 39.3065, shall
537 determine the protective, treatment, and ameliorative services
538 necessary to safeguard and ensure the child's safety and well-
539 being and development, and cause the delivery of those services
540 through the early intervention of the department or its agent.
541 As applicable, The training provided to staff members who
542 conduct child protective investigators investigations must
543 inform parents and caregivers include instruction on how and
544 when to use the injunction process under ~~s. 39.504~~ or s. 741.30
545 to remove a perpetrator of domestic violence from the home as an
546 intervention to protect the child.

547 1. If the department or the sheriff providing child
548 protective investigative services determines that the interests
549 of the child and the public will be best served by providing the
550 child care or other treatment voluntarily accepted by the child
551 and the parents or legal custodians, the parent or legal
552 custodian and child may be referred for such care, case
553 management, or other community resources.

554 2. If the department or the sheriff providing child
555 protective investigative services determines that the child is
556 in need of protection and supervision, the department may file a
557 petition for dependency.

558 3. If a petition for dependency is not being filed by the
559 department, the person or agency originating the report shall be
560 advised of the right to file a petition pursuant to this part.

561 ~~(c) The determination that a report requires an~~
562 ~~investigation as provided in this subsection and does not~~
563 ~~require an enhanced onsite child protective investigation~~
564 ~~pursuant to subsection (11) must be approved in writing by the~~
565 ~~supervisor with documentation specifying why additional~~
566 ~~investigative activities are not necessary.~~

567 ~~(d) A report that meets the criteria specified in this~~
568 ~~subsection is not precluded from further investigative~~
569 ~~activities. At any time it is determined that additional~~
570 ~~investigative activities are necessary for the safety of the~~
571 ~~child, such activities shall be conducted.~~

572 (10)-(11)(a) The department's training program for staff
573 responsible for responding to reports accepted by the central
574 abuse hotline must also ensure that child protective responders:

575 1. Know how to fully inform parents or legal custodians of
576 their rights and options, including opportunities for audio or
577 video recording of child protective responder interviews with
578 parents or legal custodians or children.

579 2. Know how and when to use the injunction process under
580 s. 39.504 or s. 741.30 to remove a perpetrator of domestic
581 violence from the home as an intervention to protect the child.

582 (b) To enhance the skills of individual staff members and
583 to improve the region's and district's overall child protection
584 system, the department's training program at the regional and
585 district levels must include results of qualitative reviews of
586 child protective investigation cases handled within the region
587 or district in order to identify weaknesses as well as examples
588 of effective interventions which occurred at each point in the

589 case. ~~For each report that meets one or more of the following~~
 590 ~~criteria, the department shall perform an enhanced onsite child~~
 591 ~~protective investigation:~~

592 1. ~~Any allegation that involves physical abuse, sexual~~
 593 ~~abuse, domestic violence, substance abuse or substance exposure,~~
 594 ~~medical neglect, a child younger than 3 years of age, or a child~~
 595 ~~who is disabled or lacks communication skills.~~

596 2. ~~Any report that involves an individual who has been the~~
 597 ~~subject of a prior report containing some indicators or verified~~
 598 ~~findings of abuse, neglect, or abandonment.~~

599 3. ~~Any report that does not contain compelling evidence~~
 600 ~~that the maltreatment did not occur.~~

601 4. ~~Any report that does not meet the criteria for an~~
 602 ~~onsite child protective investigation as set forth in subsection~~
 603 ~~(10).~~

604 (b) ~~The enhanced onsite child protective investigation~~
 605 ~~shall include, but is not limited to:~~

606 1. ~~A face-to-face interview with the child, other~~
 607 ~~siblings, parents or legal custodians or caregivers, and other~~
 608 ~~adults in the household;~~

609 2. ~~Collateral contacts;~~

610 3. ~~Contact with the reporter as required by rule;~~

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

613 5. ~~An updated assessment.~~

614 (c) For all reports received, detailed documentation is
 615 required for the investigative activities.

616 (11) ~~(12)~~ The department shall incorporate into its quality

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617 assurance program the monitoring of ~~the determination of~~ reports
618 that receive a ~~an onsite~~ child protective investigation to
619 determine the quality and timeliness of safety assessments,
620 engagements with families, teamwork with other experts and
621 professionals, and appropriate investigative activities that are
622 uniquely tailored to the safety factors associated with each
623 child and family ~~and those that receive an enhanced onsite child~~
624 ~~protective investigation.~~

625 (12) ~~(13)~~ If the department or its agent is denied
626 reasonable access to a child by the parents, legal custodians,
627 or caregivers and the department deems that the best interests
628 of the child so require, it shall seek an appropriate court
629 order or other legal authority before ~~prior to~~ examining and
630 interviewing the child.

631 (13) ~~(14)~~ Onsite visits and face-to-face interviews with
632 the child or family shall be unannounced unless it is determined
633 by the department or its agent or contract provider that such
634 unannounced visit would threaten the safety of the child.

635 (14) ~~(15)~~ (a) If the department or its agent determines that
636 a child requires immediate or long-term protection through:

- 637 1. Medical or other health care; or
638 2. Homemaker care, day care, protective supervision, or
639 other services to stabilize the home environment, including
640 intensive family preservation services through the Intensive
641 Crisis Counseling Program,

642
643 such services shall first be offered for voluntary acceptance
644 unless there are high-risk factors that may impact the ability

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645 of the parents or legal custodians to exercise judgment. Such
646 factors may include the parents' or legal custodians' young age
647 or history of substance abuse or domestic violence.

648 (b) The parents or legal custodians shall be informed of
649 the right to refuse services, as well as the responsibility of
650 the department to protect the child regardless of the acceptance
651 or refusal of services. If the services are refused, a
652 collateral contact ~~required under subparagraph (11)(b)2.~~ shall
653 include a relative, if the protective investigator has knowledge
654 of and the ability to contact a relative. If the services are
655 refused and the department deems that the child's need for
656 protection so requires, the department shall take the child into
657 protective custody or petition the court as provided in this
658 chapter. At any time after the commencement of a protective
659 investigation, a relative may submit in writing to the
660 protective investigator or case manager a request to receive
661 notification of all proceedings and hearings in accordance with
662 s. 39.502. The request shall include the relative's name,
663 address, and phone number and the relative's relationship to the
664 child. The protective investigator or case manager shall forward
665 such request to the attorney for the department. The failure to
666 provide notice to either a relative who requests it pursuant to
667 this subsection or to a relative who is providing out-of-home
668 care for a child may ~~shall~~ not result in any previous action of
669 the court at any stage or proceeding in dependency or
670 termination of parental rights under any part of this chapter
671 being set aside, reversed, modified, or in any way changed
672 absent a finding by the court that a change is required in the

673 child's best interests.

674 (c) The department, in consultation with the judiciary,
675 shall adopt by rule criteria that are factors requiring that the
676 department take the child into custody, petition the court as
677 provided in this chapter, or, if the child is not taken into
678 custody or a petition is not filed with the court, conduct an
679 administrative review. If after an administrative review the
680 department determines not to take the child into custody or
681 petition the court, the department shall document the reason for
682 its decision in writing and include it in the investigative
683 file. For all cases that were accepted by the local law
684 enforcement agency for criminal investigation pursuant to
685 subsection (2), the department must include in the file written
686 documentation that the administrative review included input from
687 law enforcement. In addition, for all cases that must be
688 referred to child protection teams pursuant to s. 39.303(2) and
689 (3), the file must include written documentation that the
690 administrative review included the results of the team's
691 evaluation. Factors that must be included in the development of
692 the rule include noncompliance with the case plan developed by
693 the department, or its agent, and the family under this chapter
694 and prior abuse reports with findings that involve the child or
695 caregiver.

696 (15)~~(16)~~ When a child is taken into custody pursuant to
697 this section, the authorized agent of the department shall
698 request that the child's parent, caregiver, or legal custodian
699 disclose the names, relationships, and addresses of all parents
700 and prospective parents and all next of kin, so far as are

701 known.

702 (16)~~(17)~~ The department shall complete its protective
 703 investigation within 60 days after receiving the initial report,
 704 unless:

705 (a) There is also an active, concurrent criminal
 706 investigation that is continuing beyond the 60-day period and
 707 the closure of the protective investigation may compromise
 708 successful criminal prosecution of the child abuse or neglect
 709 case, in which case the closure date shall coincide with the
 710 closure date of the criminal investigation and any resulting
 711 legal action.

712 (b) In child death cases, the final report of the medical
 713 examiner is necessary for the department to close its
 714 investigation and the report has not been received within the
 715 60-day period, in which case the report closure date shall be
 716 extended to accommodate the report.

717 (c) A child who is necessary to an investigation has been
 718 declared missing by the department, a law enforcement agency, or
 719 a court, in which case the 60-day period shall be extended until
 720 the child has been located or until sufficient information
 721 exists to close the investigation despite the unknown location
 722 of the child.

723 (17)~~(18)~~ Immediately upon learning during the course of an
 724 investigation that:

725 (a) The immediate safety or well-being of a child is
 726 endangered;

727 (b) The family is likely to flee;

728 (c) A child died as a result of abuse, abandonment, or

729 neglect;

730 (d) A child is a victim of aggravated child abuse as
731 defined in s. 827.03; or

732 (e) A child is a victim of sexual battery or of sexual
733 abuse,

734

735 the department shall ~~orally~~ notify the jurisdictionally
736 responsible state attorney, and county sheriff's office or local
737 police department, and, within 3 working days, transmit a full
738 written report to those agencies. The law enforcement agency
739 shall review the report and determine whether a criminal
740 investigation needs to be conducted and shall assume lead
741 responsibility for all criminal fact-finding activities. A
742 criminal investigation shall be coordinated, whenever possible,
743 with the child protective investigation of the department. Any
744 interested person who has information regarding an offense
745 described in this subsection may forward a statement to the
746 state attorney as to whether prosecution is warranted and
747 appropriate.

748 (18)~~(19)~~ In a child protective investigation or a criminal
749 investigation, when the initial interview with the child is
750 conducted at school, the department or the law enforcement
751 agency may allow, notwithstanding ~~the provisions of s.~~
752 39.0132(4), a school staff member who is known by the child to
753 be present during the initial interview if:

754 (a) The department or law enforcement agency believes that
755 the school staff member could enhance the success of the
756 interview by his or her presence; and

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757 (b) The child requests or consents to the presence of the
758 school staff member at the interview.

759

760 School staff may be present only when authorized by this
761 subsection. Information received during the interview or from
762 any other source regarding the alleged abuse or neglect of the
763 child is ~~shall be~~ confidential and exempt from ~~the provisions of~~
764 s. 119.07(1), except as otherwise provided by court order. A
765 separate record of the investigation of the abuse, abandonment,
766 or neglect may ~~shall~~ not be maintained by the school or school
767 staff member. Violation of this subsection is ~~constitutes~~ a
768 misdemeanor of the second degree, punishable as provided in s.
769 775.082 or s. 775.083.

770 ~~(19)(20)~~ When a law enforcement agency conducts a criminal
771 investigation into allegations of child abuse, neglect, or
772 abandonment, photographs documenting the abuse or neglect shall
773 ~~will~~ be taken when appropriate.

774 ~~(20)(21)~~ Within 15 days after the case is reported to him
775 or her pursuant to this chapter, the state attorney shall report
776 his or her findings to the department and shall include in such
777 report a determination of whether or not prosecution is
778 justified and appropriate in view of the circumstances of the
779 specific case.

780 ~~(22)~~ ~~In order to enhance the skills of individual staff~~
781 ~~and to improve the district's overall child protection system,~~
782 ~~the department's training program at the district level must~~
783 ~~include periodic reviews of cases handled within the district in~~
784 ~~order to identify weaknesses as well as examples of effective~~

785 ~~interventions that occurred at each point in the case.~~

786 (21)~~(23)~~ When an investigation is closed and a person is
787 not identified as a caregiver responsible for the abuse,
788 neglect, or abandonment alleged in the report, the fact that the
789 person is named in some capacity in the report may not be used
790 in any way to adversely affect the interests of that person.
791 This prohibition applies to any use of the information in
792 employment screening, licensing, child placement, adoption, or
793 any other decisions by a private adoption agency or a state
794 agency or its contracted providers, except that a previous
795 report may be used to determine whether a child is safe and what
796 the known risk is to the child at any stage of a child
797 protection proceeding.

798 (22)~~(24)~~ If, after having been notified of the requirement
799 to report a change in residence or location of the child to the
800 protective investigator, a parent or legal custodian causes the
801 child to move, or allows the child to be moved, to a different
802 residence or location, or if the child leaves the residence on
803 his or her own accord and the parent or legal custodian does not
804 notify the protective investigator of the move within 2 business
805 days, the child may be considered to be a missing child for the
806 purposes of filing a report with a law enforcement agency under
807 s. 937.021.

808 Section 7. Subsection (1) of section 39.302, Florida
809 Statutes, is amended to read:

810 39.302 Protective investigations of institutional child
811 abuse, abandonment, or neglect.—

812 (1) The department shall conduct a child protective

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813 investigation of each report of institutional child abuse,
814 abandonment, or neglect. Upon receipt of a report that alleges
815 that an employee or agent of the department, or any other entity
816 or person covered by s. 39.01(33) or (47), acting in an official
817 capacity, has committed an act of child abuse, abandonment, or
818 neglect, the department shall initiate a child protective
819 investigation within the timeframe established under s.
820 39.201(5) and ~~orally~~ notify the appropriate state attorney, law
821 enforcement agency, and licensing agency, which shall
822 immediately conduct a joint investigation, unless independent
823 investigations are more feasible. When conducting investigations
824 ~~onsite~~ or having face-to-face interviews with the child,
825 investigation visits shall be unannounced unless it is
826 determined by the department or its agent that unannounced
827 visits threaten the safety of the child. If a facility is exempt
828 from licensing, the department shall inform the owner or
829 operator of the facility of the report. Each agency conducting a
830 joint investigation is entitled to full access to the
831 information gathered by the department in the course of the
832 investigation. A protective investigation must include an
833 interview with the child's parent or legal guardian ~~an onsite~~
834 ~~visit of the child's place of residence~~. The department shall
835 make a full written report to the state attorney within 3
836 working days after making the oral report. A criminal
837 investigation shall be coordinated, whenever possible, with the
838 child protective investigation of the department. Any interested
839 person who has information regarding the offenses described in
840 this subsection may forward a statement to the state attorney as

841 to whether prosecution is warranted and appropriate. Within 15
842 days after the completion of the investigation, the state
843 attorney shall report the findings to the department and shall
844 include in the report a determination of whether or not
845 prosecution is justified and appropriate in view of the
846 circumstances of the specific case.

847 Section 8. Subsection (2) of section 39.307, Florida
848 Statutes, is amended to read:

849 39.307 Reports of child-on-child sexual abuse.—

850 (2) The department, contracted sheriff's office providing
851 protective investigation services, or contracted case management
852 personnel responsible for providing services ~~District staff~~, at
853 a minimum, shall adhere to the following procedures:

854 (a) The purpose of the response to a report alleging
855 juvenile sexual abuse behavior shall be explained to the
856 caregiver.

857 1. The purpose of the response shall be explained in a
858 manner consistent with legislative purpose and intent provided
859 in this chapter.

860 2. The name and office telephone number of the person
861 responding shall be provided to the caregiver of the alleged
862 juvenile sexual offender or child who has exhibited
863 inappropriate sexual behavior and the victim's caregiver.

864 3. The possible consequences of the department's response,
865 including outcomes and services, shall be explained to the
866 caregiver of the alleged juvenile sexual offender or child who
867 has exhibited inappropriate sexual behavior and the victim's
868 caregiver.

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869 (b) The caregiver of the alleged juvenile sexual offender
870 or child who has exhibited inappropriate sexual behavior and the
871 victim's caregiver shall be involved to the fullest extent
872 possible in determining the nature of the sexual behavior
873 concerns ~~allegation~~ and the nature of any problem or risk to
874 other children.

875 (c) The assessment of risk and the perceived treatment
876 needs of the alleged juvenile sexual offender or child who has
877 exhibited inappropriate sexual behavior, the victim, and
878 respective caregivers shall be conducted by the district staff,
879 the child protection team of the Department of Health, and other
880 providers under contract with the department to provide services
881 to the caregiver of the alleged offender, the victim, and the
882 victim's caregiver.

883 (d) The assessment shall be conducted in a manner that is
884 sensitive to the social, economic, and cultural environment of
885 the family.

886 (e) If necessary, the child protection team of the
887 Department of Health shall conduct a physical examination of the
888 victim, which is sufficient to meet forensic requirements.

889 (f) Based on the information obtained from the alleged
890 juvenile sexual offender or child who has exhibited
891 inappropriate sexual behavior, his or her caregiver, the victim,
892 and the victim's caregiver, an assessment of service and
893 treatment needs ~~report~~ must be completed ~~within 7 days~~ and, if
894 needed, a case plan developed within 30 days.

895 (g) The department shall classify the outcome of the
896 report as follows:

897 | 1. Report closed. Services were not offered because the
 898 | department determined that there was no basis for intervention.

899 | 2. Services accepted by alleged juvenile sexual offender.
 900 | Services were offered to the alleged juvenile sexual offender or
 901 | child who has exhibited inappropriate sexual behavior and
 902 | accepted by the caregiver.

903 | 3. Report closed. Services were offered to the alleged
 904 | juvenile sexual offender or child who has exhibited
 905 | inappropriate sexual behavior, but were rejected by the
 906 | caregiver.

907 | 4. Notification to law enforcement. The risk to the
 908 | victim's safety and well-being cannot be reduced by the
 909 | provision of services or the caregiver rejected services, and
 910 | notification of the alleged delinquent act or violation of law
 911 | to the appropriate law enforcement agency was initiated.

912 | 5. Services accepted by victim. Services were offered to
 913 | the victim and accepted by the caregiver.

914 | 6. Report closed. Services were offered to the victim but
 915 | were rejected by the caregiver.

916 | Section 9. Section 39.504, Florida Statutes, is amended to
 917 | read:

918 | 39.504 Injunction pending disposition of petition;
 919 | penalty.—

920 | (1) At any time after a protective investigation has been
 921 | initiated pursuant to part III of this chapter, the court, upon
 922 | the request of the department, a law enforcement officer, the
 923 | state attorney, or other responsible person, or upon its own
 924 | motion, may, if there is reasonable cause, issue an injunction

925 to prevent any act of child abuse. Reasonable cause for the
 926 issuance of an injunction exists if there is evidence of child
 927 abuse or if there is a reasonable likelihood of such abuse
 928 occurring based upon a recent overt act or failure to act.

929 (2) The petitioner seeking the injunction shall file a
 930 verified petition, or a petition along with an affidavit,
 931 setting forth the specific actions by the alleged offender from
 932 which the child must be protected and all remedies sought. Upon
 933 filing the petition, the court shall set a hearing to be held at
 934 the earliest possible time. Pending the hearing, the court may
 935 issue a temporary ex parte injunction, with verified pleadings
 936 or affidavits as evidence. The temporary ex parte injunction
 937 pending a hearing is effective for up to 15 days and the hearing
 938 must be held within that period unless continued for good cause
 939 shown, which may include obtaining service of process, in which
 940 case the temporary ex parte injunction shall be extended for the
 941 continuance period. The hearing may be held sooner if the
 942 alleged offender has received reasonable notice ~~Notice shall be~~
 943 ~~provided to the parties as set forth in the Florida Rules of~~
 944 ~~Juvenile Procedure, unless the child is reported to be in~~
 945 ~~imminent danger, in which case the court may issue an injunction~~
 946 ~~immediately. A judge may issue an emergency injunction pursuant~~
 947 ~~to this section without notice if the court is closed for the~~
 948 ~~transaction of judicial business. If an immediate injunction is~~
 949 ~~issued, the court must hold a hearing on the next day of~~
 950 ~~judicial business to dissolve the injunction or to continue or~~
 951 ~~modify it in accordance with this section.~~

952 (3) Before the hearing, the alleged offender must be

953 personally served with a copy of the petition, all other
 954 pleadings related to the petition, a notice of hearing, and, if
 955 one has been entered, the temporary injunction. Following the
 956 hearing, the court may enter a final injunction. The court may
 957 grant a continuance of the hearing at any time for good cause
 958 shown by any party. If a temporary injunction has been entered,
 959 it shall be continued during the continuance.

960 (4)~~(3)~~ If an injunction is issued under this section, the
 961 primary purpose of the injunction must be to protect and promote
 962 the best interests of the child, taking the preservation of the
 963 child's immediate family into consideration.

964 (a) The injunction applies ~~shall apply~~ to the alleged or
 965 actual offender in a case of child abuse or acts of domestic
 966 violence. The conditions of the injunction shall be determined
 967 by the court, which ~~conditions~~ may include ordering the alleged
 968 or actual offender to:

- 969 1. Refrain from further abuse or acts of domestic
 970 violence.
- 971 2. Participate in a specialized treatment program.
- 972 3. Limit contact or communication with the child victim,
 973 other children in the home, or any other child.
- 974 4. Refrain from contacting the child at home, school,
 975 work, or wherever the child may be found.
- 976 5. Have limited or supervised visitation with the child.
- 977 ~~6. Pay temporary support for the child or other family~~
 978 ~~members; the costs of medical, psychiatric, and psychological~~
 979 ~~treatment for the child incurred as a result of the offenses;~~
 980 ~~and similar costs for other family members.~~

981 ~~6.7.~~ Vacate the home in which the child resides.
 982 (b) Upon proper pleading, the court may award the
 983 following relief in a temporary ex parte or final injunction ~~if~~
 984 ~~the intent of the injunction is to protect the child from~~
 985 ~~domestic violence, the conditions may also include:~~

- 986 1. ~~Awarding the~~ Exclusive use and possession of the
 987 dwelling to the caregiver or exclusion of ~~excluding~~ the alleged
 988 or actual offender from the residence of the caregiver.
- 989 2. ~~Awarding temporary custody of the child to the~~
 990 ~~caregiver.~~
- 991 2.3. Establishing Temporary support for the child or other
 992 family members.
- 993 3. The costs of medical, psychiatric, and psychological
 994 treatment for the child incurred due to the abuse, and similar
 995 costs for other family members.

996
 997 This paragraph does not preclude an ~~the~~ adult victim of domestic
 998 violence from seeking protection for himself or herself under s.
 999 741.30.

1000 (c) The terms of the final injunction shall remain in
 1001 effect until modified or dissolved by the court. The petitioner,
 1002 respondent, or caregiver may move at any time to modify or
 1003 dissolve the injunction. Notice of hearing on the motion to
 1004 modify or dissolve the injunction must be provided to all
 1005 parties, including the department. The injunction is valid and
 1006 enforceable in all counties in the state.

1007 (5) ~~(4)~~ Service of process on the respondent shall be
 1008 carried out pursuant to s. 741.30. The department shall deliver

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1009 a copy of any injunction issued pursuant to this section to the
 1010 protected party or to a parent, caregiver, or individual acting
 1011 in the place of a parent who is not the respondent. Law
 1012 enforcement officers may exercise their arrest powers as
 1013 provided in s. 901.15(6) to enforce the terms of the injunction.

1014 ~~(6)-(5)~~ Any person who fails to comply with an injunction
 1015 issued pursuant to this section commits a misdemeanor of the
 1016 first degree, punishable as provided in s. 775.082 or s.
 1017 775.083.

1018 (7) The person against whom an injunction is entered under
 1019 this section does not automatically become a party to a
 1020 subsequent dependency action concerning the same child.

1021 Section 10. Paragraph (r) of subsection (2) of section
 1022 39.521, Florida Statutes, is amended to read:

1023 39.521 Disposition hearings; powers of disposition.—

1024 (2) The predisposition study must provide the court with
 1025 the following documented information:

1026 (r) If the child has been removed from the home and will
 1027 be remaining with a relative, parent, or other adult approved by
 1028 the court, a home study report concerning the proposed placement
 1029 shall be included in the predisposition report. Before ~~Prior to~~
 1030 recommending to the court any out-of-home placement for a child
 1031 other than placement in a licensed shelter or foster home, the
 1032 department shall conduct a study of the home of the proposed
 1033 legal custodians, which must include, at a minimum:

1034 1. An interview with the proposed legal custodians to
 1035 assess their ongoing commitment and ability to care for the
 1036 child.

1037 2. Records checks through the State Automated Child
 1038 Welfare Information System (SACWIS) ~~Florida Abuse Hotline~~
 1039 ~~Information System (FAHIS)~~, and local and statewide criminal and
 1040 juvenile records checks through the Department of Law
 1041 Enforcement, on all household members 12 years of age or older.
 1042 In addition, the fingerprints of any household members who are
 1043 18 years of age or older may be submitted to the Department of
 1044 Law Enforcement for processing and forwarding to the Federal
 1045 Bureau of Investigation for state and national criminal history
 1046 information. The department has the discretion to request State
 1047 Automated Child Welfare Information System (SACWIS) and local,
 1048 statewide, and national criminal history checks and
 1049 fingerprinting of any other visitor to the home who is made
 1050 known to the department ~~and any other persons made known to the~~
 1051 ~~department who are frequent visitors in the home.~~ Out-of-state
 1052 criminal records checks must be initiated for any individual
 1053 ~~designated above~~ who has resided in a state other than Florida
 1054 if provided that state's laws allow the release of these
 1055 records. The out-of-state criminal records must be filed with
 1056 the court within 5 days after receipt by the department or its
 1057 agent.

1058 3. An assessment of the physical environment of the home.

1059 4. A determination of the financial security of the
 1060 proposed legal custodians.

1061 5. A determination of suitable child care arrangements if
 1062 the proposed legal custodians are employed outside of the home.

1063 6. Documentation of counseling and information provided to
 1064 the proposed legal custodians regarding the dependency process

1065 and possible outcomes.

1066 7. Documentation that information regarding support
 1067 services available in the community has been provided to the
 1068 proposed legal custodians.

1069
 1070 The department may ~~shall~~ not place the child or continue the
 1071 placement of the child in a home under shelter or
 1072 postdisposition placement if the results of the home study are
 1073 unfavorable, unless the court finds that this placement is in
 1074 the child's best interest.

1075
 1076 Any other relevant and material evidence, including other
 1077 written or oral reports, may be received by the court in its
 1078 effort to determine the action to be taken with regard to the
 1079 child and may be relied upon to the extent of its probative
 1080 value, even though not competent in an adjudicatory hearing.
 1081 Except as otherwise specifically provided, nothing in this
 1082 section prohibits the publication of proceedings in a hearing.

1083 Section 11. Subsection (2) and paragraph (b) of subsection
 1084 (4) of section 39.6011, Florida Statutes, are amended to read:

1085 39.6011 Case plan development.—

1086 (2) The case plan must be written simply and clearly in
 1087 English and, if English is not the principal language of the
 1088 child's parent, to the extent possible in the parent's principal
 1089 language. Each case plan must contain:

1090 (a) A description of the identified problem being
 1091 addressed, including the parent's behavior or acts resulting in
 1092 risk to the child and the reason for the intervention by the

1093 department.

1094 (b) The permanency goal.

1095 (c) If concurrent planning is being used, a description of
 1096 the permanency goal of reunification with the parent or legal
 1097 custodian in addition to a description of one of the remaining
 1098 permanency goals described in s. 39.01.

1099 1. If a child has not been removed from a parent, but is
 1100 found to be dependent, even if adjudication of dependency is
 1101 withheld, the court may leave the child in the current placement
 1102 with maintaining and strengthening the placement as a permanency
 1103 option.

1104 2. If a child has been removed from a parent and is placed
 1105 with a parent from whom the child was not removed, the court may
 1106 leave the child in the placement with the parent from whom the
 1107 child was not removed with maintaining and strengthening the
 1108 placement as a permanency option.

1109 3. If a child has been removed from a parent and is
 1110 subsequently reunified with that parent, the court may leave the
 1111 child with that parent with maintaining and strengthening the
 1112 placement as a permanency option.

1113 (d) The date the compliance period expires. The case plan
 1114 must be limited to as short a period as possible for
 1115 accomplishing its provisions. The plan's compliance period
 1116 expires no later than 12 months after the date the child was
 1117 initially removed from the home, the child was adjudicated
 1118 dependent, or the date the case plan was accepted by the court,
 1119 whichever occurs first ~~sooner~~.

1120 (e) A written notice to the parent that failure of the

1121 parent to substantially comply with the case plan may result in
 1122 the termination of parental rights, and that a material breach
 1123 of the case plan may result in the filing of a petition for
 1124 termination of parental rights sooner than the compliance period
 1125 set forth in the case plan.

1126 (4) The case plan must describe:

1127 (b) The responsibility of the case manager to forward a
 1128 relative's request to receive notification of all proceedings
 1129 and hearings submitted pursuant to s. 39.301(14) (b)
 1130 ~~39.301(15) (b)~~ to the attorney for the department;

1131 Section 12. Subsection (1) of section 39.621, Florida
 1132 Statutes, is amended to read:

1133 39.621 Permanency determination by the court.—

1134 (1) Time is of the essence for permanency of children in
 1135 the dependency system. A permanency hearing must be held no
 1136 later than 12 months after the date the child was removed from
 1137 the home or within ~~no later than~~ 30 days after a court
 1138 determines that reasonable efforts to return a child to either
 1139 parent are not required, whichever occurs first. The purpose of
 1140 the permanency hearing is to determine when the child will
 1141 achieve the permanency goal or whether modifying the current
 1142 goal is in the best interest of the child. A permanency hearing
 1143 must be held at least every 12 months for any child who
 1144 continues to be supervised by ~~receive supervision from~~ the
 1145 department or awaits adoption.

1146 Section 13. Paragraph (b) of subsection (3), subsection
 1147 (6), and paragraph (e) of subsection (10) of section 39.701,
 1148 Florida Statutes, are amended to read:

1149 | 39.701 Judicial review.—

1150 | (3)

1151 | (b) If the citizen review panel recommends extending the
 1152 | goal of reunification for any case plan beyond 12 months from
 1153 | the date the child was removed from the home, ~~or~~ the case plan
 1154 | was adopted, or the child was adjudicated dependent, whichever
 1155 | date came first, the court must schedule a judicial review
 1156 | hearing to be conducted by the court within 30 days after
 1157 | receiving the recommendation from the citizen review panel.

1158 | (6) The attorney for the department shall notify a
 1159 | relative who submits a request for notification of all
 1160 | proceedings and hearings pursuant to s. 39.301(14)(b)
 1161 | ~~39.301(15)(b)~~. The notice shall include the date, time, and
 1162 | location of the next judicial review hearing.

1163 | (10)

1164 | (e) Within ~~No later than~~ 6 months after the date that the
 1165 | child was placed in shelter care, the court shall conduct a
 1166 | judicial review hearing to review the child's permanency goal as
 1167 | identified in the case plan. At the hearing the court shall make
 1168 | findings regarding the likelihood of the child's reunification
 1169 | with the parent or legal custodian within 12 months after the
 1170 | removal of the child from the home. ~~If, at this hearing,~~ the
 1171 | court makes a written finding that it is not likely that the
 1172 | child will be reunified with the parent or legal custodian
 1173 | within 12 months after the child was removed from the home, the
 1174 | department must file with the court, and serve on all parties, a
 1175 | motion to amend the case plan under s. 39.6013 and declare that
 1176 | it will use concurrent planning for the case plan. The

1177 department must file the motion within ~~no later than~~ 10 business
 1178 days after receiving the written finding of the court. The
 1179 department must attach the proposed amended case plan to the
 1180 motion. If concurrent planning is already being used, the case
 1181 plan must document the efforts the department is taking to
 1182 complete the concurrent goal.

1183 Section 14. Paragraph (a) of subsection (1) of section
 1184 39.8055, Florida Statutes, is amended to read:

1185 39.8055 Requirement to file a petition to terminate
 1186 parental rights; exceptions.—

1187 (1) The department shall file a petition to terminate
 1188 parental rights within 60 days after any of the following if:

1189 (a) ~~The At the time of the 12-month judicial review~~
 1190 ~~hearing,~~ a child is not returned to the physical custody of the
 1191 parents 12 months after the child was sheltered or adjudicated
 1192 dependent, whichever occurs first;

1193 Section 15. Paragraphs (e) and (k) of subsection (1) and
 1194 subsection (2) of section 39.806, Florida Statutes, are amended
 1195 to read:

1196 39.806 Grounds for termination of parental rights.—

1197 (1) Grounds for the termination of parental rights may be
 1198 established under any of the following circumstances:

1199 (e) When a child has been adjudicated dependent, a case
 1200 plan has been filed with the court, and:

1201 1. The child continues to be abused, neglected, or
 1202 abandoned by the parent or parents. The failure of the parent or
 1203 parents to substantially comply with the case plan for a period
 1204 of 12 ~~9~~ months after an adjudication of the child as a dependent

1205 child or the child's placement into shelter care, whichever
 1206 occurs first, constitutes evidence of continuing abuse, neglect,
 1207 or abandonment unless the failure to substantially comply with
 1208 the case plan was due to the parent's lack of financial
 1209 resources or to the failure of the department to make reasonable
 1210 efforts to reunify the parent and child. The 12-month ~~9-month~~
 1211 period begins to run only after the child's placement into
 1212 shelter care or the entry of a disposition order placing the
 1213 custody of the child with the department or a person other than
 1214 the parent and the court's approval of a case plan having the
 1215 goal of reunification with the parent, whichever occurs first;
 1216 or

1217 2. The parent or parents have materially breached the case
 1218 plan. Time is of the essence for permanency of children in the
 1219 dependency system. In order to prove the parent or parents have
 1220 materially breached the case plan, the court must find by clear
 1221 and convincing evidence that the parent or parents are unlikely
 1222 or unable to substantially comply with the case plan before time
 1223 to comply with the case plan expires.

1224 (k) A test administered at birth that indicated that the
 1225 child's blood, urine, or meconium contained any amount of
 1226 alcohol or a controlled substance or metabolites of such
 1227 substances, the presence of which was not the result of medical
 1228 treatment administered to the mother or the newborn infant, and
 1229 the biological mother of the child is the biological mother of
 1230 at least one other child who was adjudicated dependent after a
 1231 finding of harm to the child's health or welfare due to exposure
 1232 to a controlled substance or alcohol as defined in s.

1233 39.01~~(32)(g)~~, after which the biological mother had the
 1234 opportunity to participate in substance abuse treatment.

1235 (2) Reasonable efforts to preserve and reunify families
 1236 are not required if a court of competent jurisdiction has
 1237 determined that any of the events described in paragraphs
 1238 (1)(b)-(d) or (f)-(l) ~~(1)(e)-(l)~~ have occurred.

1239 Section 16. Subsections (1) and (19) of section 39.502,
 1240 Florida Statutes, are amended to read:

1241 39.502 Notice, process, and service.—

1242 (1) Unless parental rights have been terminated, all
 1243 parents must be notified of all proceedings or hearings
 1244 involving the child. Notice in cases involving shelter hearings
 1245 and hearings resulting from medical emergencies must be that
 1246 most likely to result in actual notice to the parents. In all
 1247 other dependency proceedings, notice must be provided in
 1248 accordance with subsections (4)-(9), except when a relative
 1249 requests notification pursuant to s. 39.301(14)(b)
 1250 ~~39.301(15)(b)~~, in which case notice shall be provided pursuant
 1251 to subsection (19).

1252 (19) In all proceedings and hearings under this chapter,
 1253 the attorney for the department shall notify, orally or in
 1254 writing, a relative requesting notification pursuant to s.
 1255 39.301(14)(b) ~~39.301(15)(b)~~ of the date, time, and location of
 1256 such proceedings and hearings, and notify the relative that he
 1257 or she has the right to attend all subsequent proceedings and
 1258 hearings, to submit reports to the court, and to speak to the
 1259 court regarding the child, if the relative so desires. The court
 1260 has the discretion to release the attorney for the department

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1261 from notifying a relative who requested notification pursuant to
 1262 s. 39.301(14)(b) ~~39.301(15)(b)~~ if the relative's involvement is
 1263 determined to be impeding the dependency process or detrimental
 1264 to the child's well-being.

1265 Section 17. Section 39.823, Florida Statutes, is amended
 1266 to read:

1267 39.823 Guardian advocates for drug dependent newborns.—The
 1268 Legislature finds that increasing numbers of drug dependent
 1269 children are born in this state. Because of the parents'
 1270 continued dependence upon drugs, the parents may temporarily
 1271 leave their child with a relative or other adult or may have
 1272 agreed to voluntary family services under s. 39.301(14)
 1273 ~~39.301(15)~~. The relative or other adult may be left with a child
 1274 who is likely to require medical treatment but for whom they are
 1275 unable to obtain medical treatment. The purpose of this section
 1276 is to provide an expeditious method for such relatives or other
 1277 responsible adults to obtain a court order which allows them to
 1278 provide consent for medical treatment and otherwise advocate for
 1279 the needs of the child and to provide court review of such
 1280 authorization.

1281 Section 18. Paragraph (a) of subsection (1) of section
 1282 39.828, Florida Statutes, is amended to read:

1283 39.828 Grounds for appointment of a guardian advocate.—

1284 (1) The court shall appoint the person named in the
 1285 petition as a guardian advocate with all the powers and duties
 1286 specified in s. 39.829 for an initial term of 1 year upon a
 1287 finding that:

1288 (a) The child named in the petition is or was a drug

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1289 dependent newborn as described in s. 39.01~~(32)~~~~(g)~~;

1290 Section 19. This act shall take effect July 1, 2012.