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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2016	.	
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The Committee on Judiciary (Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (6) of section 63.082, Florida
Statutes, is amended to read:

63.082 Execution of consent to adoption or affidavit of
nonpaternity; family social and medical history; revocation of
consent.—

(6) (a) If a parent executes a consent for placement of a
minor with an adoption entity or qualified prospective adoptive



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12 parents and the minor child is under the supervision in the
13 custody of the department, or otherwise subject to the
14 jurisdiction of the dependency court as a result of the entry of
15 a shelter order petition, a dependency petition, or a petition
16 for termination of parental rights pursuant to ch. 39, but
17 parental rights have not yet been terminated, the adoption
18 consent is valid, binding, and enforceable by the court.

19 (b) Upon execution of the consent of the parent, the
20 adoption entity shall be permitted to intervene in the
21 dependency case as a party in interest and must provide the
22 court that acquired jurisdiction over the minor, pursuant to the
23 shelter or dependency petition filed by the department, a copy
24 of the preliminary home study of the prospective adoptive
25 parents and any other evidence of the suitability of the
26 placement. The preliminary home study must be maintained with
27 strictest confidentiality within the dependency court file and
28 the department's file. A preliminary home study must be provided
29 to the court in all cases in which an adoption entity has
30 intervened pursuant to this section. Unless the court has
31 concerns regarding the qualifications of the home study
32 provider, or concerns that the home study may not be adequate to
33 determine the best interests of the child, the home study
34 provided by the adoption entity shall be deemed to be sufficient
35 and no additional home study needs to be performed by the
36 department.

37 (c) If an adoption entity files a motion to intervene in
38 the dependency case in accordance with this chapter, the
39 dependency court shall promptly grant a hearing to determine
40 whether the adoption entity has filed the required documents to



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41 be permitted to intervene and whether a change of placement of
42 the child is in the best interests of the child appropriate.
43 Absent good cause or mutual agreement of the parties, the final
44 hearing on the motion to intervene and change of placement of
45 the child must be held within 30 days after the filing of the
46 motion and a written final order shall be filed within 15 days
47 after the hearing.

48 (d) After consideration of all relevant factors, including
49 those set forth in paragraph (e) below, the court determines
50 ~~Upon a determination by the court~~ that the prospective adoptive
51 parents are properly qualified to adopt the minor child and that
52 the adoption ~~is appears to be~~ in the best interests of the minor
53 child, the court shall promptly immediately order the transfer
54 of custody of the minor child to the prospective adoptive
55 parents, under the supervision of the adoption entity. The court
56 may establish reasonable requirements for the transfer of
57 custody in the transfer order, including a reasonable period of
58 time to transition final custody to the prospective adoptive
59 parents. The adoption entity shall thereafter provide monthly
60 supervision reports to the department until finalization of the
61 adoption. If the child has been determined to be dependent by
62 the court, the department shall provide information to the
63 prospective adoptive parents at the time they receive placement
64 of the dependent child regarding approved parent training
65 classes available within the community. The department shall
66 file with the court an acknowledgment of the parent's receipt of
67 the information regarding approved parent training classes
68 available within the community.

69 (e) In determining whether the best interests of the child



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70 are served by transferring the custody of the minor child to the
71 prospective adoptive parent selected by the parent or adoption
72 entity, the court shall consider all relevant factors,
73 including, but not limited to, the rights of the parent based on
74 the well-being of ~~to determine an appropriate placement for~~ the
75 child, the permanency offered, the established bonded
76 relationship of the child's bonding and the current caregiver in
77 ~~with~~ any potential adoptive home in which ~~that~~ the child has
78 been residing ~~in~~, the stability of the home in which the child
79 has been residing as well as the desirability of maintaining
80 continuity of placement, ~~and~~ the importance of maintaining
81 sibling relationships, if possible, the reasonable preferences
82 and wishes of the child, if the court deems the child to be of
83 sufficient maturity, understanding, and experience to express a
84 preference, whether a petition for termination of parental
85 rights has been filed pursuant to s. 39.806(1)(f), (g), or (h),
86 and what is best for the child.

87 (f) The adoption entity shall be responsible for keeping
88 the dependency court informed of the status of the adoption
89 proceedings at least every 90 days from the date of the order
90 changing placement of the child until the date of finalization
91 of the adoption.

92 (g) At the arraignment hearing held pursuant to s. 39.506,
93 in the order that approves the case plan pursuant to s.
94 39.603, and in the order that changes the permanency goal to
95 adoption pursuant to s. 39.621 ~~In all dependency proceedings,~~
96 ~~after it is determined that reunification is not a viable~~
97 ~~alternative and prior to the filing of a petition for~~
98 ~~termination of parental rights~~, the court shall provide written



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99 notice to advise the biological parent who is a party to the
100 case of his or her ~~the~~ right to participate in a private
101 adoption plan including written notice of the factors provided
102 in paragraph (e).

103 Section 2. This act shall take effect July 1, 2016.

104

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

106 And the title is amended as follows:

107 Delete everything before the enacting clause
108 and insert:

109 A bill to be entitled
110 An act relating to adoption; amending s. 63.082, F.S.;
111 revising the circumstances under which an adoption
112 consent is valid, binding, and enforceable; requiring
113 a court to determine, under certain circumstances,
114 whether a change of placement of a child is in the
115 child's best interests, rather than whether the change
116 of placement is appropriate; deleting a determination
117 that a court must consider under certain
118 circumstances; revising when a court must provide
119 written notice to a parent of specified information;
120 providing an effective date.