

By Senator Detert

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1 A bill to be entitled
2 An act relating to adoption; amending s. 63.082, F.S.;
3 revising the circumstances under which an adoption
4 consent is valid, binding, and enforceable; providing
5 an exception; requiring a court to determine, under
6 certain circumstances, whether a change of placement
7 of a child is in the child's best interests, rather
8 than whether the change of placement is appropriate;
9 deleting a determination that a court must consider
10 under certain circumstances; revising when a court
11 must advise a parent of specified information;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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

18 63.082 Execution of consent to adoption or affidavit of
19 nonpaternity; family social and medical history; revocation of
20 consent.—

21 (6) (a) If a parent executes a consent for placement of a
22 minor with an adoption entity or qualified prospective adoptive
23 parents and the minor child is under the supervision ~~in the~~
24 ~~e custody~~ of the department, ~~but parental rights have not yet been~~
25 ~~terminated~~, the adoption consent is valid, binding, and
26 enforceable by the court unless a termination of parental rights
27 petition has been filed and qualified adoptive parents have been
28 identified.

29 (b) Upon execution of the consent of the parent, the

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30 adoption entity shall be permitted to intervene in the
31 dependency case as a party in interest and must provide the
32 court that acquired jurisdiction over the minor, pursuant to the
33 shelter or dependency petition filed by the department, a copy
34 of the preliminary home study of the prospective adoptive
35 parents and any other evidence of the suitability of the
36 placement. The preliminary home study must be maintained with
37 strictest confidentiality within the dependency court file and
38 the department's file. A preliminary home study must be provided
39 to the court in all cases in which an adoption entity has
40 intervened pursuant to this section. Unless the court has
41 concerns regarding the qualifications of the home study
42 provider, or concerns that the home study may not be adequate to
43 determine the best interests of the child, the home study
44 provided by the adoption entity shall be deemed to be sufficient
45 and no additional home study needs to be performed by the
46 department.

47 (c) If an adoption entity files a motion to intervene in
48 the dependency case in accordance with this chapter, the
49 dependency court shall promptly grant a hearing to determine
50 whether the adoption entity has filed the required documents to
51 be permitted to intervene and whether a change of placement of
52 the child is in the best interests of the child pursuant to s.
53 39.522(1) appropriate.

54 (d) Upon a determination by the court that the prospective
55 adoptive parents are properly qualified to adopt the minor child
56 and that the adoption is ~~appears to be~~ in the best interests of
57 the minor child, the court shall immediately order the transfer
58 of custody of the minor child to the prospective adoptive

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59 parents, under the supervision of the adoption entity. The
60 adoption entity shall thereafter provide monthly supervision
61 reports to the department until finalization of the adoption. If
62 the child has been determined to be dependent by the court, the
63 department shall provide information to the prospective adoptive
64 parents at the time they receive placement of the dependent
65 child regarding approved parent training classes available
66 within the community. The department shall file with the court
67 an acknowledgment of the parent's receipt of the information
68 regarding approved parent training classes available within the
69 community.

70 ~~(e) In determining whether the best interests of the child~~
71 ~~are served by transferring the custody of the minor child to the~~
72 ~~prospective adoptive parent selected by the parent, the court~~
73 ~~shall consider the rights of the parent to determine an~~
74 ~~appropriate placement for the child, the permanency offered, the~~
75 ~~child's bonding with any potential adoptive home that the child~~
76 ~~has been residing in, and the importance of maintaining sibling~~
77 ~~relationships, if possible.~~

78 (e)~~(f)~~ The adoption entity shall be responsible for keeping
79 the dependency court informed of the status of the adoption
80 proceedings at least every 90 days from the date of the order
81 changing placement of the child until the date of finalization
82 of the adoption.

83 (f)~~(g)~~ At the arraignment hearing held pursuant to s.
84 39.506 in all dependency proceedings, ~~after it is determined~~
85 ~~that reunification is not a viable alternative and prior to the~~
86 ~~filing of a petition for termination of parental rights,~~ the
87 court shall advise the ~~biological~~ parent who is a party to the

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88 case of the right to participate in a private adoption plan.

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