

By the Committees on Judiciary; and Children, Families, and Elder Affairs; and Senators Detert and Gaetz

590-02068-16

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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; requiring
5 a court to determine, under certain circumstances,
6 whether a change of placement of a child is in the
7 child's best interests, rather than whether the change
8 of placement is appropriate; deleting a determination
9 that a court must consider under certain
10 circumstances; authorizing the court to establish
11 certain requirements for the transfer of custody;
12 revising circumstances under which a court must
13 provide written notice to a parent of specified
14 information; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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

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

23 (6) (a) If a parent executes a consent for placement of a
24 minor with an adoption entity or qualified prospective adoptive
25 parents and the minor child is under the supervision ~~in the~~
26 ~~custody~~ of the department, or otherwise subject to the
27 jurisdiction of the dependency court as a result of the entry of
28 a shelter order petition, a dependency petition, or a petition
29 for termination of parental rights pursuant to chapter 39, but
30 parental rights have not yet been terminated, the adoption
31 consent is valid, binding, and enforceable by the court.

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

50 (c) If an adoption entity files a motion to intervene in
51 the dependency case in accordance with this chapter, the
52 dependency court shall promptly grant a hearing to determine
53 whether the adoption entity has filed the required documents to
54 be permitted to intervene and whether a change of placement of
55 the child is in the best interests of the child ~~appropriate~~.
56 Absent good cause or mutual agreement of the parties, the final
57 hearing on the motion to intervene and the change of placement
58 of the child must be held within 30 days after the filing of the
59 motion and a written final order shall be filed within 15 days
60 after the hearing.

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61 (d) If after consideration of all relevant factors,
62 including those set forth in paragraph (e), the court determines
63 ~~Upon a determination by the court~~ that the prospective adoptive
64 parents are properly qualified to adopt the minor child and that
65 the adoption ~~is~~ appears to be in the best interests of the minor
66 child, the court shall promptly ~~immediately~~ order the transfer
67 of custody of the minor child to the prospective adoptive
68 parents, under the supervision of the adoption entity. The court
69 may establish reasonable requirements for the transfer of
70 custody in the transfer order, including a reasonable period of
71 time to transition final custody to the prospective adoptive
72 parents. The adoption entity shall thereafter provide monthly
73 supervision reports to the department until finalization of the
74 adoption. If the child has been determined to be dependent by
75 the court, the department shall provide information to the
76 prospective adoptive parents at the time they receive placement
77 of the dependent child regarding approved parent training
78 classes available within the community. The department shall
79 file with the court an acknowledgment of the parent's receipt of
80 the information regarding approved parent training classes
81 available within the community.

82 (e) In determining whether the best interests of the child
83 are served by transferring the custody of the minor child to the
84 prospective adoptive parent selected by the parent or adoption
85 entity, the court shall consider all relevant factors,
86 including, but not limited to, the rights of the parent based on
87 the well-being of ~~to determine an appropriate placement for~~ the
88 child, the permanency offered, the established bonded
89 relationship of the child and the current caregiver in ~~child's~~

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90 ~~bonding with~~ any potential adoptive home in which ~~that~~ the child
91 has been residing ~~in~~, the stability of the home in which the
92 child has been residing as well as the desirability of
93 maintaining continuity of placement, ~~and~~ the importance of
94 maintaining sibling relationships, if possible, the reasonable
95 preferences and wishes of the child, if the court deems the
96 child to be of sufficient maturity, understanding, and
97 experience to express a preference, whether a petition for
98 termination of parental rights has been filed pursuant to s.
99 39.806(1)(f), (g), or (h), and what is best for the child.

100 (f) The adoption entity shall be responsible for keeping
101 the dependency court informed of the status of the adoption
102 proceedings at least every 90 days from the date of the order
103 changing placement of the child until the date of finalization
104 of the adoption.

105 (g) At the arraignment hearing held pursuant to s. 39.506,
106 in the order that approves the case plan pursuant to s. 39.603,
107 and in the order that changes the permanency goal to adoption
108 pursuant to s. 39.621 ~~In all dependency proceedings, after it is~~
109 ~~determined that reunification is not a viable alternative and~~
110 ~~prior to the filing of a petition for termination of parental~~
111 ~~rights,~~ the court shall provide written notice to advise the
112 biological parent who is a party to the case of his or her ~~the~~
113 right to participate in a private adoption plan including
114 written notice of the factors provided in paragraph (e).

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