

HB 673

2016

1 A bill to be entitled

2 An act relating to adoption; creating the "Child's  
3 Best Hope Act"; amending s. 63.082, F.S.; revising  
4 provisions for execution and disposition of a consent  
5 for adoption of a minor with an adoption entity or  
6 prospective adoptive parents when the minor child is  
7 in the custody of the Department of Children and  
8 Families or otherwise subject to the jurisdiction of  
9 the dependency court; providing that such consent is a  
10 permanent relinquishment of parental rights and is not  
11 revocable by the parent under certain conditions;  
12 requiring the court to hold a final hearing on a  
13 motion to intervene and change the placement of a  
14 child within a specified timeframe; directing the  
15 court to file a written final order within a specified  
16 timeframe; authorizing the court to establish certain  
17 requirements for transfer of custody; providing  
18 additional factors for court consideration in transfer  
19 of custody cases; directing the court to provide  
20 written notice to the biological parent of his or her  
21 right to participate in a private adoption plan;  
22 providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26 Section 1. This act may be cited as the "Child's Best Hope

27 Act."

28 Section 2. Paragraph (c) of subsection (4) and subsection  
29 (6) of section 63.082, Florida Statutes, are amended to read:

30 63.082 Execution of consent to adoption or affidavit of  
31 nonpaternity; family social and medical history; revocation of  
32 consent.—

33 (4)

34 (c) If the minor to be adopted is 6 months of age or  
35 younger at the time of the execution of the consent, the consent  
36 to adoption is valid upon execution. If the minor to be adopted  
37 is older than 6 months of age at the time of the execution of  
38 the consent, the consent to adoption is valid upon execution;  
39 however, the consent ~~it~~ is subject to a revocation period of 3  
40 business days.

41 (6) (a) If a parent executes a consent for adoption  
42 ~~placement~~ of a minor with an adoption entity or qualified  
43 prospective adoptive parents and the minor child is under the  
44 supervision ~~in the custody~~ of the department, or otherwise  
45 subject to the jurisdiction of the dependency court as a result  
46 of the filing of a shelter petition, a dependency petition, or a  
47 petition for termination of parental rights pursuant to chapter  
48 39, but parental rights have not yet been terminated, the  
49 adoption consent is valid, binding, and enforceable by the  
50 court. The consent executed under this section shall operate as  
51 a permanent relinquishment of parental rights and is not  
52 revocable by the parent unless consent is revoked within 3

53 business days in accordance with paragraph (4) (c).

54 (b) Upon execution of the consent of the parent, the  
55 adoption entity shall be permitted to intervene in the  
56 dependency case as a party in interest and must provide the  
57 court that acquired jurisdiction over the minor, pursuant to the  
58 shelter or dependency petition filed by the department, a copy  
59 of the preliminary home study of the prospective adoptive  
60 parents and any other evidence of the suitability of the  
61 placement. The preliminary home study must be maintained with  
62 strictest confidentiality within the dependency court file and  
63 the department's file. A preliminary home study must be provided  
64 to the court in all cases in which an adoption entity has  
65 intervened pursuant to this section. Unless the court has  
66 concerns regarding the qualifications of the home study  
67 provider, or concerns that the home study may not be adequate to  
68 determine the best interests of the child, the home study  
69 provided by the adoption entity shall be deemed to be sufficient  
70 and no additional home study needs to be performed by the  
71 department.

72 (c) If an adoption entity files a motion to intervene in  
73 the dependency case in accordance with this chapter, the  
74 dependency court shall promptly grant a hearing to determine  
75 whether the adoption entity has filed the required documents to  
76 be permitted to intervene and whether a change of placement of  
77 the child is appropriate. Absent good cause or mutual agreement  
78 of the parties, the final hearing on the motion to intervene and

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79 change the placement of the child must be held within 30 days  
80 after the filing of the motion and a written final order shall  
81 be filed within 15 days after the hearing.

82 (d) Upon a determination by the court that the prospective  
83 adoptive parents are properly qualified to adopt the minor child  
84 and that the adoption appears to be in the best interests of the  
85 minor child, the court shall promptly ~~immediately~~ order the  
86 transfer of custody of the minor child to the prospective  
87 adoptive parents, under the supervision of the adoption entity.  
88 The court may establish reasonable requirements for the transfer  
89 of custody in the transfer order, including a reasonable period  
90 of time to transition final custody to the prospective adoptive  
91 parents. The adoption entity shall thereafter provide monthly  
92 supervision reports to the department until finalization of the  
93 adoption. If the child has been determined to be dependent by  
94 the court, the department shall provide information to the  
95 prospective adoptive parents at the time they receive placement  
96 of the dependent child regarding approved parent training  
97 classes available within the community. The department shall  
98 file with the court an acknowledgment of the parent's receipt of  
99 the information regarding approved parent training classes  
100 available within the community.

101 (e) In determining whether the best interests of the child  
102 are served by transferring the custody of the minor child to the  
103 prospective adoptive parent selected by the parent or adoption  
104 entity, the court shall consider and weigh all relevant factors,

105 including, but not limited to:

106 1. The rights of the parent to determine an appropriate  
 107 placement for the child;

108 2. The permanency offered;

109 3. The established bonded relationship of the child and  
 110 the current caregiver in ~~child's bonding with~~ any potential  
 111 adoptive home in which ~~that~~ the child has been residing; ~~in, and~~

112 4. The importance of maintaining sibling relationships, if  
 113 possible;

114 5. Whether a petition for termination of parental rights  
 115 has been filed pursuant to s. 39.806(1)(f), (g), or (h); and

116 6. What is best for the child.

117  
 118 The transfer of custody to the prospective adoptive parent  
 119 selected by the parent is presumed to be in the child's best  
 120 interest if the child has resided in the current placement for a  
 121 period of 6 consecutive months or less. The transfer of custody  
 122 to the prospective adoptive parent selected by the parent is  
 123 presumed not to be in the child's best interest if the child has  
 124 resided in the current placement for 9 consecutive months or  
 125 more. The presumption used in this paragraph shall shift the  
 126 burden of proof to the contesting party under ss. 90.301-90.304.

127 (f) The adoption entity shall be responsible for keeping  
 128 the dependency court informed of the status of the adoption  
 129 proceedings at least every 90 days from the date of the order  
 130 changing placement of the child until the date of finalization

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131 of the adoption.

132 (g) At the arraignment hearing held pursuant to s. 39.506,  
133 in the order that approves the case plan pursuant to s. 39.603,  
134 and in the order that changes the permanency goal to adoption  
135 and terminates the parental rights pursuant to s. 39.621 ~~In all~~  
136 ~~dependency proceedings, after it is determined that~~  
137 ~~reunification is not a viable alternative and prior to the~~  
138 ~~filing of a petition for termination of parental rights, the~~  
139 court shall provide written notice to advise the biological  
140 parent who is a party to the case of his or her ~~the~~ right to  
141 participate in a private adoption plan, including written notice  
142 of the factors and timeframes provided in paragraph (e).

143 Section 3. This act shall take effect July 1, 2016.