

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

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

HB 673

2016

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.