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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
10/22/2015	.	
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The Committee on Children, Families, and Elder Affairs (Detert) recommended the following:

Senate Amendment

Delete lines 276 - 373
and insert:

(b) Be developed in a face-to-face conference with the parent of the child, any court-appointed guardian ad litem, the child's attorney and, if appropriate, the temporary custodian of the child. The parent may receive assistance from any person or social service agency in preparing the case plan. The social service agency, the department, and the court, when applicable,



206734

11 shall inform the parent of the right to receive such assistance,
12 including the right to assistance of counsel.

13 (c) Be written simply and clearly in English and, if
14 English is not the principal language of the child's parent, in
15 the parent's principal language, to the extent practicable.

16 (d) Describe a process for making available to all physical
17 custodians and family services counselors the information
18 required by s. 39.6012(2) and for ensuring that this information
19 follows the child until permanency has been achieved.

20 (e) Specify the period of time for which the case plan is
21 applicable, which must be as short a period as possible for the
22 parent to comply with the terms of the plan. The case plan's
23 compliance period expires no later than 12 months after the date
24 the child was initially removed from the home, the date the
25 child was adjudicated dependent, or the date the case plan was
26 accepted by the court, whichever occurs first.

27 (f) Be signed by all of the parties. Signing the case plan
28 constitutes an acknowledgment by each of the parties that they
29 have been involved in the development of the case plan and that
30 they are in agreement as to the terms and conditions contained
31 in the case plan. The refusal of a parent to sign the case plan
32 does not preclude the court's acceptance of the case plan if it
33 is otherwise acceptable to the court. The parent's signing of
34 the case plan does not constitute an admission to any allegation
35 of abuse, abandonment, or neglect and does not constitute
36 consent to a finding of dependency or termination of parental
37 rights. The department shall explain the provisions of the case
38 plan to all persons involved in its implementation, before the
39 signing of the plan.



206734

40 (3) PARTICIPATION BY THE CHILD.- It is important that the
41 child be involved in all aspects of the case planning process,
42 including development of the plan, as well as the opportunity to
43 review, sign and receive a copy of the case plan. The child,
44 when the child has attained 14 years of age or the child is
45 otherwise at the appropriate age and capacity, shall:

46 (a) Be included in the face-to-face conference to develop
47 the plan under this section and have the opportunity to express
48 a placement preference, and have the option to choose two
49 members of the case planning team who are not a foster parent or
50 caseworker for the child.

51 (b) Sign the case plan, unless there is reason to waive the
52 child's signature.

53 (c) Receive an explanation of the provisions of the case
54 plan from the department.

55 (d) Be provided a copy of the case plan:

56 1. After the case plan has been agreed upon and signed; and

57 2. Within 3 business days before the disposition hearing
58 after jurisdiction attaches and the plan has been filed with the
59 court.

60 (e) The child shall not be included in any aspect of the
61 case planning process when information will be revealed or
62 discussed that the child should be informed of in a more
63 therapeutic, less traumatic setting.

64 (4) NOTICE TO PARENTS.-The case plan must document that
65 each parent has been advised of the following by written notice:

66 (a) That he or she may not be coerced or threatened with
67 the loss of custody or parental rights for failing to admit the
68 abuse, neglect, or abandonment of the child in the case plan.



206734

69 Participation in the development of a case plan is not an
70 admission to any allegation of abuse, abandonment, or neglect,
71 and does not constitute consent to a finding of dependency or
72 termination of parental rights.

73 (b) That the department must document a parent's
74 unwillingness or inability to participate in developing a case
75 plan and must provide such documentation in writing to the
76 parent when it becomes available for the court record. In such
77 event, the department will prepare a case plan that, to the
78 extent possible, conforms with the requirements of this section.
79 The parent must also be advised that his or her unwillingness or
80 inability to participate in developing a case plan does not
81 preclude the filing of a petition for dependency or for
82 termination of parental rights. If the parent is available, the
83 department shall provide a copy of the case plan to the parent
84 and advise him or her that, at any time before the filing of a
85 petition for termination of parental rights, he or she may enter
86 into a case plan and that he or she may request judicial review
87 of any provision of the case plan with which he or she disagrees
88 at any court hearing set for the child.

89 (c) That his or her failure to substantially comply with
90 the case plan may result in the termination of parental rights,
91 and that a material breach of the case plan may result in the
92 filing of a petition for termination of parental rights before
93 the scheduled completion date.

94 (5) DISTRIBUTION AND FILING WITH THE COURT.—The department
95 shall adhere to the following procedural requirements in
96 developing and distributing a case plan:

97 (a) After the case plan has been agreed upon and signed by



206734

98 the parties, a copy of the case plan must immediately be given
99 to the parties and to other persons as directed by the court.

100 (b) In each case in which a child has been placed in out-
101 of-home care, a case plan must be prepared within 60 days after
102 the department removes the child from the home and must be
103 submitted to the court for review and approval before the
104 disposition hearing.

105 (c) After jurisdiction attaches, all case plans must be
106 filed with the court, and a copy provided to all of the parties
107 whose whereabouts are known not less than 3 business days before
108 the disposition hearing. The department shall file with the
109 court, and provide copies of such to all of the parties, all
110 case plans prepared before jurisdiction of the court attached.

111 (d) A case plan must be prepared, but need not be submitted
112 to the court, for a child who will be in care for 30 days or
113 less unless that child is placed in out-of-home care for a
114 second time within a 12-month period.

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