

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Harrell offered the following:

Amendment (with title amendment)

Between lines 305 and 306, insert:

Section 7. Paragraph (b) of subsection (7) of section 39.507, Florida Statutes, is amended to read:

39.507 Adjudicatory hearings; orders of adjudication.—

(7)

(b) However, the court must determine whether each parent or legal custodian identified in the case abused, abandoned, or neglected the child or engaged in conduct that placed the child at substantial risk of imminent abuse, abandonment, or neglect ~~in a subsequent evidentiary hearing~~. If a second parent is

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14 served and brought into the proceeding after the adjudication,
15 and an ~~the~~ evidentiary hearing ~~for the second parent~~ is
16 conducted ~~subsequent to the adjudication of the child,~~ the court
17 shall supplement the adjudicatory order, disposition order, and
18 the case plan, as necessary. ~~The petitioner is not required to~~
19 prove actual harm or actual abuse by the second parent in order
20 for the court to make supplemental findings regarding the
21 conduct of the second parent. The court is not required to
22 conduct an evidentiary hearing for the second parent in order to
23 supplement the adjudicatory order, the disposition order, and
24 the case plan if the requirements of s. 39.506(3) or (5) are
25 satisfied. With the exception of proceedings pursuant to s.
26 39.811, the child's dependency status may not be retried or
27 readjudicated.

28 Section 8. Paragraph (b) of subsection (1) of section
29 39.521, Florida Statutes, is amended to read:

30 39.521 Disposition hearings; powers of disposition.—

31 (1) A disposition hearing shall be conducted by the court,
32 if the court finds that the facts alleged in the petition for
33 dependency were proven in the adjudicatory hearing, or if the
34 parents or legal custodians have consented to the finding of
35 dependency or admitted the allegations in the petition, have
36 failed to appear for the arraignment hearing after proper
37 notice, or have not been located despite a diligent search
38 having been conducted.

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39 (b) When any child is adjudicated by a court to be
40 dependent, the court having jurisdiction of the child has the
41 power by order to:

42 1. Require the parent and, when appropriate, the legal
43 custodian and the child to participate in treatment and services
44 identified as necessary. The court may require the person who
45 has custody or who is requesting custody of the child to submit
46 to a mental health or substance abuse disorder assessment or
47 evaluation. The order may be made only upon good cause shown and
48 pursuant to notice and procedural requirements provided under
49 the Florida Rules of Juvenile Procedure. The mental health
50 assessment or evaluation must be administered by a qualified
51 professional as defined in s. 39.01, and the substance abuse
52 assessment or evaluation must be administered by a qualified
53 professional as defined in s. 397.311. The court may also
54 require such person to participate in and comply with treatment
55 and services identified as necessary, including, when
56 appropriate and available, participation in and compliance with
57 a mental health court program established under chapter 394 or a
58 treatment-based drug court program established under s. 397.334.
59 Adjudication of a child as dependent based upon evidence of harm
60 as defined in s. 39.01(30)(g) demonstrates good cause, and the
61 court shall require the parent whose actions caused the harm to
62 submit to a substance abuse disorder assessment or evaluation
63 and to participate and comply with treatment and services

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64 identified in the assessment or evaluation as being necessary.
65 In addition to supervision by the department, the court,
66 including the mental health court program or the treatment-based
67 drug court program, may oversee the progress and compliance with
68 treatment by a person who has custody or is requesting custody
69 of the child. The court may impose appropriate available
70 sanctions for noncompliance upon a person who has custody or is
71 requesting custody of the child or make a finding of
72 noncompliance for consideration in determining whether an
73 alternative placement of the child is in the child's best
74 interests. Any order entered under this subparagraph may be made
75 only upon good cause shown. This subparagraph does not authorize
76 placement of a child with a person seeking custody of the child,
77 other than the child's parent or legal custodian, who requires
78 mental health or substance abuse disorder treatment.

79 2. Require, if the court deems necessary, the parties to
80 participate in dependency mediation.

81 3. Require placement of the child either under the
82 protective supervision of an authorized agent of the department
83 in the home of one or both of the child's parents or in the home
84 of a relative of the child or another adult approved by the
85 court, or in the custody of the department. Protective
86 supervision continues until the court terminates it or until the
87 child reaches the age of 18, whichever date is first. Protective
88 supervision shall be terminated by the court whenever the court

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89 determines that permanency has been achieved for the child,
90 whether with a parent, another relative, or a legal custodian,
91 and that protective supervision is no longer needed. The
92 termination of supervision may be with or without retaining
93 jurisdiction, at the court's discretion, and shall in either
94 case be considered a permanency option for the child. The order
95 terminating supervision by the department must set forth the
96 powers of the custodian of the child and include the powers
97 ordinarily granted to a guardian of the person of a minor unless
98 otherwise specified. Upon the court's termination of supervision
99 by the department, further judicial reviews are not required if
100 permanency has been established for the child.

101 Section 9. Paragraph (h) is added to subsection (1) of
102 section 39.701, Florida Statutes, to read:

103 39.701 Judicial review.—

104 (1) GENERAL PROVISIONS.—

105 (h) If a child is born into a family that is under the
106 court's jurisdiction or a child moves into a home that is under
107 the court's jurisdiction, the department shall assess the
108 child's safety and provide notice to the court.

109 1. The department shall complete an assessment to
110 determine how the addition of a child will impact family
111 functioning. The assessment must be completed at least 30 days
112 before a child is expected to be born or to move into a home, or
113 within 72 hours after the department learns of the pregnancy or

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114 addition if the child is expected to be born or to move into the
115 home in less than 30 days. The assessment shall be filed with
116 the court.

117 2. Once a child is born into a family or a child moves
118 into the home, the department shall complete a progress update
119 and file it with the court.

120 3. The court has the discretion to hold a hearing on the
121 progress update filed by the department.

122 4. The department shall adopt rules to implement this
123 subsection.

124 Section 10. Paragraph (1) of subsection (1) of section
125 39.806, Florida Statutes, is amended, and subsections (2) and
126 (3) are republished, to read:

127 39.806 Grounds for termination of parental rights.—

128 (1) Grounds for the termination of parental rights may be
129 established under any of the following circumstances:

130 (1) On three or more occasions the child or another child
131 of the parent or parents has been placed in out-of-home care
132 pursuant to this chapter or the law of any state, territory, or
133 jurisdiction of the United States which is substantially similar
134 to this chapter, and the conditions that led to the child's out-
135 of-home placement were caused by the parent or parents.

136 (2) Reasonable efforts to preserve and reunify families
137 are not required if a court of competent jurisdiction has
138 determined that any of the events described in paragraphs

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139 (1) (b)-(d) or paragraphs (1) (f)-(m) have occurred.

140 (3) If a petition for termination of parental rights is
141 filed under subsection (1), a separate petition for dependency
142 need not be filed and the department need not offer the parents
143 a case plan having a goal of reunification, but may instead file
144 with the court a case plan having a goal of termination of
145 parental rights to allow continuation of services until the
146 termination is granted or until further orders of the court are
147 issued.

148 Section 11. Subsection (6) of section 39.811, Florida
149 Statutes, is amended to read:

150 39.811 Powers of disposition; order of disposition.—

151 (6) The parental rights of one parent may be severed
152 without severing the parental rights of the other parent only
153 under the following circumstances:

154 (a) If the child has only one surviving parent;

155 (b) If the identity of a prospective parent has been
156 established as unknown after sworn testimony;

157 (c) If the parent whose rights are being terminated became
158 a parent through a single-parent adoption;

159 (d) If the protection of the child demands termination of
160 the rights of a single parent; or

161 (e) If the parent whose rights are being terminated meets
162 any of the criteria specified in s. 39.806(1) (c), (d), (f), (g),
163 (h), (i), (j), (k), (l), (m), or (n) and ~~(f)-(m)~~.

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T I T L E A M E N D M E N T

Remove line 29 and insert:
date; providing requirements for the report; amending
s. 39.507, F.S.; requiring a court to consider
maltreatment allegations against a parent in an
evidentiary hearing relating to a dependency petition;
amending s. 39.521, F.S.; providing for assessment and
program compliance for a parent who caused harm to a
child by exposing the child to a controlled substance;
amending s. 39.701, F.S.; providing safety assessment
requirements for children coming into a home under
court jurisdiction; granting rulemaking authority;
amending s. 39.806, F.S.; revising circumstances under
which grounds for the termination of parental rights
may be established; amending s. 39.811, F.S.; revising
circumstances under which the rights of one parent may
be terminated without terminating the rights of the
other parent; providing

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