

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Burton offered the following:

4
5 **Amendment (with title amendment)**

6 Between lines 230 and 231, insert:

7 Section 6. Subsection (2) of section 39.01, Florida
8 Statutes, is amended to read:

9 39.01 Definitions.—

10 (2) "Abuse" means any willful act or threatened act that
11 results in any physical, mental, or sexual abuse, injury, or
12 harm that causes or is likely to cause the child's physical,
13 mental, or emotional health to be significantly impaired. Abuse
14 of a child also includes when a new child is born into a family
15 during the course of an open dependency case where a parent or
16 caregiver has been determined to not have protective capacity to

Amendment No. 2

17 safely care for the children in the home and has not
18 substantially complied with the case plan towards successful
19 reunification or met conditions for return of the children into
20 the home. Abuse of a child includes acts or omissions. Corporal
21 discipline of a child by a parent or legal custodian for
22 disciplinary purposes does not in itself constitute abuse when
23 it does not result in harm to the child.

24 Section 7. Paragraph (d) is added to subsection (1) of
25 section 39.6012, Florida Statutes, to read:

26 39.6012 Case plan tasks; services.—

27 (1) The services to be provided to the parent and the
28 tasks that must be completed are subject to the following:

29 (d) Parents must provide accurate contact information to
30 the department or the contracted case management agency, and
31 update as appropriate, and make proactive contact with the
32 department of the contracted case management agency at least
33 every 14 calendar days to provide information on the status of
34 case plan task completion, barriers to completion, and plans
35 toward reunification.

36 Section 8. Subsections (6) and (7) of section 39.6013,
37 Florida Statutes, are renumbered as subsections (7) and (8),
38 respectively, and a new subsection (6) is added to that section
39 to read:

40 39.6013 Case plan amendments.—

Amendment No. 2

41 (6) When determining whether to amend the case plan, the
42 court must consider the length of time the case has been open,
43 level of parental engagement to date, number of case plan tasks
44 complied with, child's type of placement and attachment, and
45 potential for successful reunification.

46 Section 9. Subsection (5) of section 36.621, Florida
47 Statutes, is amended to read:

48 39.621 Permanency determination by the court.—

49 (5) At the permanency hearing, the court shall determine:

50 (a) Whether the current permanency goal for the child is
51 appropriate or should be changed;

52 (b) When the child will achieve one of the permanency
53 goals; ~~and~~

54 (c) Whether the department has made reasonable efforts to
55 finalize the permanency plan currently in effect; and

56 (d) Whether the frequency, duration, manner, and level of
57 engagement of the parent or legal guardian's visitation with the
58 child meets the case plan requirements.

59 Section 10. Paragraph (d) of subsection (2) of section
60 39.701, Florida Statutes, is amended to read:

61 39.701 Judicial Review.—

62 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
63 AGE.—

64 (d) Orders.—

Amendment No. 2

65 1. Based upon the criteria set forth in paragraph (c) and
66 the recommended order of the citizen review panel, if any, the
67 court shall determine whether or not the social service agency
68 shall initiate proceedings to have a child declared a dependent
69 child, return the child to the parent, continue the child in
70 out-of-home care for a specified period of time, or initiate
71 termination of parental rights proceedings for subsequent
72 placement in an adoptive home. Amendments to the case plan must
73 be prepared as prescribed in s. 39.6013. If the court finds that
74 the prevention or reunification efforts of the department will
75 allow the child to remain safely at home or be safely returned
76 to the home, the court shall allow the child to remain in or
77 return to the home after making a specific finding of fact that
78 the reasons for the creation of the case plan have been remedied
79 to the extent that the child's safety, well-being, and physical,
80 mental, and emotional health will not be endangered.

81 2. The court shall return the child to the custody of the
82 parents at any time it determines that they have substantially
83 complied with the case plan, if the court is satisfied that
84 reunification will not be detrimental to the child's safety,
85 well-being, and physical, mental, and emotional health.

86 3. If, in the opinion of the court, the social service
87 agency has not complied with its obligations as specified in the
88 written case plan, the court may find the social service agency
89 in contempt, shall order the social service agency to submit its

Amendment No. 2

90 plans for compliance with the agreement, and shall require the
91 social service agency to show why the child could not safely be
92 returned to the home of the parents.

93 4. If, at any judicial review, the court finds that the
94 parents have failed to substantially comply with the case plan
95 to the degree that further reunification efforts are without
96 merit and not in the best interest of the child, on its own
97 motion, the court may order the filing of a petition for
98 termination of parental rights, whether or not the time period
99 as contained in the case plan for substantial compliance has
100 expired.

101 5. Within 6 months after the date that the child was
102 placed in shelter care, the court shall conduct a judicial
103 review hearing to review the child's permanency goal as
104 identified in the case plan. At the hearing the court shall make
105 findings regarding the likelihood of the child's reunification
106 with the parent or legal custodian. In making such findings, the
107 court shall consider the level of the parent or legal guardian's
108 compliance with the case plan and demonstrated change in
109 protective capacities compared to that necessary to achieve
110 timely reunification within 12 months after the removal of the
111 child from the home. The court shall also consider the
112 frequency, duration, manner, and level of engagement of the
113 parent or legal custodian's visitation with the child in
114 compliance with the case plan. If the court makes a written

Amendment No. 2

115 finding that it is not likely that the child will be reunified
116 with the parent or legal custodian within 12 months after the
117 child was removed from the home, the department must file with
118 the court, and serve on all parties, a motion to amend the case
119 plan under s. 39.6013 and declare that it will use concurrent
120 planning for the case plan. The department must file the motion
121 within 10 business days after receiving the written finding of
122 the court. The department must attach the proposed amended case
123 plan to the motion. If concurrent planning is already being
124 used, the case plan must document the efforts the department is
125 taking to complete the concurrent goal.

126 6. The court may issue a protective order in assistance,
127 or as a condition, of any other order made under this part. In
128 addition to the requirements included in the case plan, the
129 protective order may set forth requirements relating to
130 reasonable conditions of behavior to be observed for a specified
131 period of time by a person or agency who is before the court;
132 and the order may require any person or agency to make periodic
133 reports to the court containing such information as the court in
134 its discretion may prescribe.

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

Remove line 20 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1079 (2018)

Amendment No. 2

139 | from specified employment; amending s. 39.01, F.S.; revising the
140 | definition of "harm"; amending s. 39.6012, F.S.; requiring
141 | parents to make proactive contact with case managers at regular
142 | intervals; amending s. 39.6013, F.S.; requiring the court to
143 | consider certain case details before amending a case plan;
144 | amending s. 39.621, F.S.; requiring the court, during permanency
145 | hearings, to determine case plan compliance; amending s. 39.701,
146 | F.S.; requiring the court, during judicial review hearings, to
147 | determine case plan compliance; providing an effective