

1 A bill to be entitled
2 An act relating to adoption; amending s. 39.001, F.S.;
3 providing an additional purpose of ch. 39, F.S.;
4 providing for the name of a child's guardian ad litem
5 or attorney ad litem to be entered on court orders in
6 dependency proceedings; amending s. 39.0136, F.S.;
7 requiring cooperation between certain parties and the
8 court to achieve permanency for a child in a timely
9 manner; requiring certain court orders to specify
10 certain deadlines; amending s. 39.402, F.S.; providing
11 that time limitations governing placement of a child
12 in a shelter do not include continuances requested by
13 the court; providing limitations on continuances;
14 providing requirements for parents to achieve
15 reunification with the child; amending s. 39.507,
16 F.S.; requiring the court to advise the parents during
17 an adjudicatory hearing of certain actions that are
18 required to achieve reunification; amending s. 39.521,
19 F.S.; requiring the department to provide a copy of
20 the family functioning assessment to the
21 representative of the guardian ad litem program and
22 certain other parties, as applicable; amending s.
23 39.522, F.S.; providing conditions for the court to
24 consider the continuity of the child's placement in
25 the same out-of-home residence before the permanency

26 placement is approved in a postdisposition proceeding
27 to modify custody; amending s. 39.6011, F.S.;
28 requiring a case plan for a child receiving services
29 from the department to include a protocol for parents
30 to achieve reunification with the child; providing
31 that certain action or inaction by a parent may result
32 in termination of parental rights; requiring the
33 department to provide certain information to a parent
34 before signing a case plan; providing a timeframe for
35 referral for services; amending s. 39.6012, F.S.;
36 requiring the department and guardian ad litem to file
37 a status report on the parent's progress toward case
38 plan objectives by a specified time; amending s.
39 39.6013, F.S.; correcting a cross-reference; amending
40 s. 39.621, F.S.; directing the court to make certain
41 findings at the permanency hearing; requiring the
42 court to hold permanency hearings within specified
43 timeframes until permanency is determined; amending s.
44 39.701, F.S.; revising a required determination made
45 by the court in judicial review hearings and a citizen
46 review panel; requiring findings by the court relating
47 to reunification to be in writing; requiring the
48 department to file a motion to amend a case plan when
49 concurrent planning is used, under certain
50 circumstances; amending s. 39.806, F.S.; permitting

51 the court to reject certain evidence if a parent fails
 52 to notify certain parties and the court of barriers to
 53 compliance with a case plan; amending s. 39.811, F.S.;
 54 requiring the court to enter a written order of
 55 disposition of the child following termination of
 56 parental rights within a specified timeframe;
 57 providing an effective date.
 58

59 Be It Enacted by the Legislature of the State of Florida:
 60

61 Section 1. Subsection (7) of section 39.001, Florida
 62 Statutes, is amended, and paragraph (q) is added to subsection
 63 (1) and paragraph (j) is added to subsection (3) of that
 64 section, to read:

65 39.001 Purposes and intent; personnel standards and
 66 screening.—

67 (1) PURPOSES OF CHAPTER.—The purposes of this chapter are:

68 (q) To recognize the responsibility of:

69 1. The parent from whose custody a child has been taken to
 70 achieve reunification with the child within the shortest period
 71 of time possible, but not more than 1 year after removal or
 72 adjudication of the child.

73 2. The department and its community-based care providers
 74 to make reasonable efforts to finalize a family's permanency
 75 plan, including assisting parents with developing strategies to

76 overcome barriers to case plan compliance.

77 3. The court to affirmatively determine what the barriers
78 are to timely reunification, and address such barriers as
79 frequently as needed to ensure compliance with the time
80 limitations established in this chapter.

81 (3) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of
82 the Legislature that the children of this state be provided with
83 the following protections:

84 (j) The ability to contact their guardian ad litem or
85 attorney ad litem, if appointed, by having that individual's
86 name entered on all orders of the court.

87 (7) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—
88 Parents, custodians, and guardians are deemed by the state to be
89 responsible for providing their children with sufficient
90 support, guidance, and supervision. The state further recognizes
91 that the ability of parents, custodians, and guardians to
92 fulfill those responsibilities can be greatly impaired by
93 economic, social, behavioral, emotional, and related problems.
94 It is therefore the policy of the Legislature that it is the
95 state's responsibility to ensure that factors impeding the
96 ability of caregivers to fulfill their responsibilities are
97 identified through the dependency process and that appropriate
98 recommendations and services to address those problems are
99 considered in any judicial or nonjudicial proceeding. The
100 Legislature also recognizes that time is of the essence for

101 establishing permanency for a child in the dependency system.
102 Therefore, parents must take action to achieve reunification
103 within the shortest period of time possible, but not more than 1
104 year after removal or adjudication of the child, including by
105 notifying the parties and the court of barriers to case plan
106 compliance.

107 Section 2. Section 39.0136, Florida Statutes, is amended
108 to read:

109 39.0136 Time limitations; continuances.—

110 (1) The Legislature finds that time is of the essence for
111 establishing permanency for a child in the dependency system.
112 Time limitations are a right of the child which may not be
113 waived, extended, or continued at the request of any party
114 except as provided in this section.

115 (2) All parties and the court must work together to ensure
116 that permanency is achieved as soon as possible for every child
117 through timely performance of their responsibilities under this
118 chapter.

119 (a) The department and the community-based care lead
120 agencies shall ensure necessary services are provided to
121 families in a timely manner. Referrals for services shall be
122 made within a reasonable time, not to exceed 7 days after the
123 date the need was identified or the case plan conference was
124 held.

125 (b) The department shall ensure that parents have the

126 | information necessary to contact their caseworker. When a new
127 | caseworker is assigned to a case, the caseworker shall make a
128 | timely and diligent effort to notify the parent and provide
129 | updated contact information.

130 | (3)~~(2)~~ The time limitations in this chapter do not
131 | include:

132 | (a) Periods of delay resulting from a continuance granted
133 | at the request of the child's counsel or the child's guardian ad
134 | litem or, if the child is of sufficient capacity to express
135 | reasonable consent, at the request or with the consent of the
136 | child. The court must consider the best interests of the child
137 | when determining periods of delay under this section.

138 | (b) Periods of delay resulting from a continuance granted
139 | at the request of any party if the continuance is granted:

140 | 1. Because of an unavailability of evidence that is
141 | material to the case if the requesting party has exercised due
142 | diligence to obtain evidence and there are substantial grounds
143 | to believe that the evidence will be available within 30 days.
144 | However, if the requesting party is not prepared to proceed
145 | within 30 days, any other party may move for issuance of an
146 | order to show cause or the court on its own motion may impose
147 | appropriate sanctions, which may include dismissal of the
148 | petition.

149 | 2. To allow the requesting party additional time to
150 | prepare the case and additional time is justified because of an

151 exceptional circumstance.

152 (c) Reasonable periods of delay necessary to accomplish
153 notice of the hearing to the child's parent or legal custodian;
154 however, the petitioner shall continue regular efforts to
155 provide notice to the parents during the periods of delay.

156 (4)~~(3)~~ Notwithstanding subsection (3) ~~(2)~~, in order to
157 expedite permanency for a child, the total time allowed for
158 continuances or extensions of time, including continuances or
159 extensions by the court on its own motion, may not exceed 60
160 days within any 12-month period for proceedings conducted under
161 this chapter.

162 (a) A continuance or extension of time may be granted only
163 for extraordinary circumstances in which it is necessary to
164 preserve the constitutional rights of a party or if substantial
165 evidence exists to demonstrate that without granting a
166 continuance or extension of time the child's best interests will
167 be harmed.

168 (b) The court may deny a request for extension of time to
169 achieve compliance with a case plan task if the parent failed to
170 notify the parties and the court within a reasonable time of
171 discovering the barrier to completion of the task.

172 (c) An order entered under this section shall specify the
173 new date for the continued hearing or deadline.

174 (5)~~(4)~~ Notwithstanding subsection (3) ~~(2)~~, a continuance
175 or an extension of time is limited to the number of days

176 absolutely necessary to complete a necessary task in order to
177 preserve the rights of a party or the best interests of a child.

178 Section 3. Paragraph (f) of subsection (14) and
179 subsections (15) and (18) of section 39.402, Florida Statutes,
180 are amended to read:

181 39.402 Placement in a shelter.—

182 (14) The time limitations in this section do not include:

183 (f) Continuances or extensions of time may not total more
184 than 60 days for all parties, and the court on its own motion,
185 within any 12-month period during proceedings under this
186 chapter. A continuance or extension beyond the 60 days may be
187 granted only for extraordinary circumstances necessary to
188 preserve the constitutional rights of a party or when
189 substantial evidence demonstrates that the child's best
190 interests will be affirmatively harmed without the granting of a
191 continuance or extension of time. When a continuance or
192 extension is granted, the order shall specify the new date for
193 the continued hearing or deadline.

194 (15) The department, at the conclusion of the shelter
195 hearing, shall make available to parents or legal custodians
196 seeking voluntary services, any referral information necessary
197 for participation in such identified services to allow the
198 parents to begin the services immediately. The parents' or legal
199 custodians' participation in the services shall not be
200 considered an admission or other acknowledgment of the

201 | allegations in the shelter petition.

202 | (18) The court shall advise the parents in plain language
 203 | what is expected of them to achieve reunification with their
 204 | child, including that:

205 | (a) Parents must take action to achieve reunification with
 206 | their children within the shortest period of time possible, but
 207 | not more than 1 year after removal or adjudication of the child.

208 | (b) Parents must stay in contact with their attorney and
 209 | their caseworker.

210 | (c) Parents must notify the parties and the court of
 211 | barriers to completing case plan tasks within a reasonable time
 212 | after discovering such barriers.

213 | (d) If the parents fail to substantially comply with the
 214 | case plan, their parental rights may be terminated and that the
 215 | child's out-of-home placement may become permanent.

216 | Section 4. Paragraph (c) of subsection (7) of section
 217 | 39.507, Florida Statutes, is amended to read:

218 | 39.507 Adjudicatory hearings; orders of adjudication.—

219 | (7)

220 | (c) If a court adjudicates a child dependent and the child
 221 | is in out-of-home care, the court shall inquire of the parent or
 222 | parents whether the parents have relatives who might be
 223 | considered as a placement for the child. The parent or parents
 224 | shall provide the court and all parties with identification and
 225 | location information for such relatives. The court shall advise

226 the parents in plain language that:^r

227 1. Parents must take action to achieve reunification with
 228 their children within the shortest period of time possible, but
 229 not more than 1 year after removal or adjudication of the child.

230 2. Parents must stay in contact with their attorney and
 231 their caseworker.

232 3. Parents must notify the parties and the court of
 233 barriers to completing case plan tasks within a reasonable time
 234 after discovering such barriers.

235 4. If the parents fail to substantially comply with the
 236 case plan, their parental rights may be terminated and that the
 237 child's out-of-home placement may become permanent. ~~The parent~~
 238 ~~or parents shall provide to the court and all parties~~
 239 ~~identification and location information of the relatives.~~

240 Section 5. Paragraph (a) of subsection (1) of section
 241 39.521, Florida Statutes, is amended to read:

242 39.521 Disposition hearings; powers of disposition.—

243 (1) A disposition hearing shall be conducted by the court,
 244 if the court finds that the facts alleged in the petition for
 245 dependency were proven in the adjudicatory hearing, or if the
 246 parents or legal custodians have consented to the finding of
 247 dependency or admitted the allegations in the petition, have
 248 failed to appear for the arraignment hearing after proper
 249 notice, or have not been located despite a diligent search
 250 having been conducted.

251 (a) A written case plan and a family functioning
252 assessment prepared by an authorized agent of the department
253 must be approved by the court. The department must file the case
254 plan and the family functioning assessment with the court, serve
255 a copy of the case plan on the parents of the child, and provide
256 a copy of the case plan and the family functioning assessment to
257 the representative of the guardian ad litem program, if the
258 program has been appointed, and a copy to all other parties:

259 1. Not less than 72 hours before the disposition hearing,
260 if the disposition hearing occurs on or after the 60th day after
261 the date the child was placed in out-of-home care. All such case
262 plans must be approved by the court.

263 2. Not less than 72 hours before the case plan acceptance
264 hearing, if the disposition hearing occurs before the 60th day
265 after the date the child was placed in out-of-home care and a
266 case plan has not been submitted pursuant to this paragraph, or
267 if the court does not approve the case plan at the disposition
268 hearing. The case plan acceptance hearing must occur within 30
269 days after the disposition hearing to review and approve the
270 case plan.

271 Section 6. Subsection (1) of section 39.522, Florida
272 Statutes, is amended to read:

273 39.522 Postdisposition change of custody.—The court may
274 change the temporary legal custody or the conditions of
275 protective supervision at a postdisposition hearing, without the

276 necessity of another adjudicatory hearing.

277 (1) At any time before a child achieves the permanency
278 placement approved at the permanency hearing, a child who has
279 been placed in the child's own home under the protective
280 supervision of an authorized agent of the department, in the
281 home of a relative, in the home of a legal custodian, or in some
282 other place may be brought before the court by the department or
283 by any other interested person, upon the filing of a petition
284 alleging a need for a change in the conditions of protective
285 supervision or the placement. If the parents or other legal
286 custodians deny the need for a change, the court shall hear all
287 parties in person or by counsel, or both. Upon the admission of
288 a need for a change or after such hearing, the court shall enter
289 an order changing the placement, modifying the conditions of
290 protective supervision, or continuing the conditions of
291 protective supervision as ordered. The standard for changing
292 custody of the child shall be the best interest of the child.
293 When applying this standard, the court shall consider the
294 continuity of the child's placement in the same out-of-home
295 residence as a factor when determining the best interests of the
296 child. If the child is not placed in foster care, then the new
297 placement for the child must meet the home study criteria and
298 court approval pursuant to this chapter.

299 Section 7. Subsections (4) through (8) of section 39.6011,
300 Florida Statutes, are renumbered as subsections (5) through (9),

301 respectively, and paragraph (e) of subsection (2), subsection
302 (3), and present subsection (6) of that section are amended, to
303 read:

304 39.6011 Case plan development.—

305 (2) The case plan must be written simply and clearly in
306 English and, if English is not the principal language of the
307 child's parent, to the extent possible in the parent's principal
308 language. Each case plan must contain:

309 (e) A written notice to the parent that it is the parents'
310 responsibility to take action to achieve reunification with
311 their children within the shortest period of time possible, but
312 not more than 1 year after removal or adjudication of the child;
313 the parent must notify the parties and the court of barriers to
314 completing case plan tasks within a reasonable time after
315 discovering such barriers; failure of the parent to
316 substantially comply with the case plan may result in the
317 termination of parental rights;⁷ ~~and that~~ a material breach of
318 the case plan by the parent's action or inaction may result in
319 the filing of a petition for termination of parental rights
320 sooner than the compliance period set forth in the case plan.

321 (3) The case plan must be signed by all parties, except
322 that the signature of a child may be waived if the child is not
323 of an age or capacity to participate in the case-planning
324 process. Signing the case plan constitutes an acknowledgment
325 that the case plan has been developed by the parties and that

326 they are in agreement as to the terms and conditions contained
327 in the case plan. The refusal of a parent to sign the case plan
328 does not prevent the court from accepting the case plan if the
329 case plan is otherwise acceptable to the court. Signing the case
330 plan does not constitute an admission to any allegation of
331 abuse, abandonment, or neglect and does not constitute consent
332 to a finding of dependency or termination of parental rights.

333 (4) Before signing the case plan, the department shall
334 explain the provisions of the plan to all persons involved in
335 its implementation, including, when appropriate, the child. The
336 department shall ensure that the parent has contact information
337 for all entities necessary to complete the tasks in the plan.
338 The department shall explain the strategies included in the plan
339 that the parent can use to overcome barriers to case plan
340 compliance and that if a barrier is discovered and the parties
341 are not actively working to overcome such barrier, the parent
342 must notify the parties and the court within a reasonable time
343 after discovering such barrier.

344 (7)~~(6)~~ After the case plan has been developed, the
345 department shall adhere to the following procedural
346 requirements:

347 (a) If the parent's substantial compliance with the case
348 plan requires the department to provide services to the parents
349 or the child and the parents agree to begin compliance with the
350 case plan before the case plan's acceptance by the court, the

351 department shall make the appropriate referrals for services
352 that will allow the parents to begin the agreed-upon tasks and
353 services immediately.

354 (b) All other referrals for services shall be completed as
355 soon as possible, but not more than 7 days after the date of the
356 case plan approval, unless the case plan specifies that a task
357 may not be undertaken until another specified task has been
358 completed.

359 (c) ~~(b)~~ After the case plan has been agreed upon and signed
360 by the parties, a copy of the plan must be given immediately to
361 the parties, including the child if appropriate, and to other
362 persons as directed by the court.

363 1. A case plan must be prepared, but need not be submitted
364 to the court, for a child who will be in care no longer than 30
365 days unless that child is placed in out-of-home care a second
366 time within a 12-month period.

367 2. In each case in which a child has been placed in out-
368 of-home care, a case plan must be prepared within 60 days after
369 the department removes the child from the home and shall be
370 submitted to the court before the disposition hearing for the
371 court to review and approve.

372 3. After jurisdiction attaches, all case plans must be
373 filed with the court, and a copy provided to all the parties
374 whose whereabouts are known, not less than 3 business days
375 before the disposition hearing. The department shall file with

376 | the court, and provide copies to the parties, all case plans
 377 | prepared before jurisdiction of the court attached.

378 | Section 8. Paragraph (b) of subsection (1) of section
 379 | 39.6012, Florida Statutes, is amended, and subsection (4) is
 380 | added to that section, to read:

381 | 39.6012 Case plan tasks; services.—

382 | (1) The services to be provided to the parent and the
 383 | tasks that must be completed are subject to the following:

384 | (b) The case plan must describe each of the tasks with
 385 | which the parent must comply and the services to be provided to
 386 | the parent, specifically addressing the identified problem,
 387 | including:

- 388 | 1. The type of services or treatment.
- 389 | 2. The date the department will provide each service or
 390 | referral for the service if the service is being provided by the
 391 | department or its agent.
- 392 | 3. The date by which the parent must complete each task.
- 393 | 4. The frequency of services or treatment provided. The
 394 | frequency of the delivery of services or treatment provided
 395 | shall be determined by the professionals providing the services
 396 | or treatment on a case-by-case basis and adjusted according to
 397 | their best professional judgment.
- 398 | 5. The location of the delivery of the services.
- 399 | 6. The staff of the department or service provider
 400 | accountable for the services or treatment.

401 7. A description of the measurable objectives, including
402 the timeframes specified for achieving the objectives of the
403 case plan and addressing the identified problem.

404 8. Strategies to overcome barriers to case plan
405 compliance, including, but not limited to, the provision of
406 contact information, information on acceptable alternative
407 services or providers, and an explanation that the parent must
408 notify the parties within a reasonable time of discovering a
409 barrier that the parties are not actively working to overcome.

410 (4) No later than 45 days after the case plan is accepted
411 by the court, the department and the guardian ad litem, if
412 appointed, shall each file a status report with all parties and
413 the court regarding progress toward achieving the objectives of
414 the case plan. The report shall:

415 (a) Indicate whether the parties and participants,
416 including the community-based care providers, have complied with
417 the tasks scheduled to be completed within the first 45 days
418 after the case plan is implemented.

419 (b) Advise the court if the parties are unable to contact
420 the parent.

421 (c) Identify any circumstances that would make the parents
422 unlikely or unable to substantially comply with the case plan
423 before time to comply expires.

424 Section 9. Subsection (7) of section 39.6013, Florida
425 Statutes, is amended to read:

426 39.6013 Case plan amendments.—

427 (7) Amendments must include service interventions that are
 428 the least intrusive into the life of the parent and child, must
 429 focus on clearly defined objectives, and must provide the most
 430 efficient path to quick reunification or permanent placement
 431 given the circumstances of the case and the child's need for
 432 safe and proper care. A copy of the amended plan must be
 433 immediately given to the persons identified in s. 39.6011(7)(c)
 434 ~~s. 39.6011(6)(b)~~.

435 Section 10. Subsections (7) through (10) of section
 436 39.621, Florida Statutes, are renumbered as subsections (8)
 437 through (11), respectively, subsection (5) and present
 438 subsections (9), (10), and (11) are amended, and a new
 439 subsection (7) is added to that section, to read:

440 39.621 Permanency determination by the court.—

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

442 (a) Whether the current permanency goal for the child is
 443 appropriate or should be changed. ~~†~~

444 (b) When the child will achieve one of the permanency
 445 goals. ~~†~~ and

446 (c) Whether the department has made reasonable efforts to
 447 finalize the permanency plan currently in effect.

448 (d) Whether the parents have complied with the case plan
 449 and if not, whether the parent notified the parties and the
 450 court of barriers to compliance within a reasonable time after

451 discovering such barriers.

452 (7) If the court determines that the child's goal is
453 appropriate but the child will be in out-of-home care for more
454 than 12 months before achieving permanency, in those cases where
455 the goal is reunification or adoption, the court shall hold
456 permanency status hearings for the child every 60 days until the
457 child reaches permanency or the court makes a determination that
458 it is in the child's best interest to change the permanency
459 goal.

460 (10)~~(9)~~ The case plan must list the tasks necessary to
461 finalize the permanency placement and shall be updated at the
462 permanency hearing unless the child will achieve permanency
463 within 60 days after the hearing ~~if necessary~~. If a concurrent
464 case plan is in place, the court may choose between the
465 permanency goal options presented and shall approve the goal
466 that is in the child's best interest.

467 (11)~~(10)~~ The permanency placement is intended to continue
468 until the child reaches the age of majority and may not be
469 disturbed absent a finding by the court that the circumstances
470 of the permanency placement are no longer in the best interest
471 of the child.

472 (a) If, after a child has achieved the permanency
473 placement approved at the permanency hearing, a parent who has
474 not had his or her parental rights terminated makes a motion for
475 reunification or increased contact with the child, the court

476 shall hold a hearing to determine whether the dependency case
477 should be reopened and whether there should be a modification of
478 the order.

479 (b) At the hearing, the parent must demonstrate that the
480 safety, well-being, and physical, mental, and emotional health
481 of the child is not endangered by the modification.

482 (c)~~(11)~~ The court shall base its decision concerning any
483 motion by a parent for reunification or increased contact with a
484 child on the effect of the decision on the safety, well-being,
485 and physical and emotional health of the child. Factors that
486 must be considered and addressed in the findings of fact of the
487 order on the motion must include:

488 1.~~(a)~~ The compliance or noncompliance of the parent with
489 the case plan;

490 2.~~(b)~~ The circumstances which caused the child's
491 dependency and whether those circumstances have been resolved;

492 3.~~(c)~~ The stability and longevity of the child's
493 placement;

494 4.~~(d)~~ The preferences of the child, if the child is of
495 sufficient age and understanding to express a preference;

496 5.~~(e)~~ The recommendation of the current custodian; and

497 6.~~(f)~~ The recommendation of the guardian ad litem, if one
498 has been appointed.

499 Section 11. Paragraphs (c) and (d) of subsection (2) of
500 section 39.701, Florida Statutes, are amended to read:

501 39.701 Judicial review.—

502 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
503 AGE.—

504 (c) Review determinations.—The court and any citizen
505 review panel shall take into consideration the information
506 contained in the social services study and investigation and all
507 medical, psychological, and educational records that support the
508 terms of the case plan; testimony by the social services agency,
509 the parent, the foster parent or legal custodian, the guardian
510 ad litem or surrogate parent for educational decisionmaking if
511 one has been appointed for the child, and any other person
512 deemed appropriate; and any relevant and material evidence
513 submitted to the court, including written and oral reports to
514 the extent of their probative value. These reports and evidence
515 may be received by the court in its effort to determine the
516 action to be taken with regard to the child and may be relied
517 upon to the extent of their probative value, even though not
518 competent in an adjudicatory hearing. In its deliberations, the
519 court and any citizen review panel shall seek to determine:

520 1. If the parent was advised of the right to receive
521 assistance from any person or social service agency in the
522 preparation of the case plan.

523 2. If the parent has been advised of the right to have
524 counsel present at the judicial review or citizen review
525 hearings. If not so advised, the court or citizen review panel

526 shall advise the parent of such right.

527 3. If a guardian ad litem needs to be appointed for the
528 child in a case in which a guardian ad litem has not previously
529 been appointed or if there is a need to continue a guardian ad
530 litem in a case in which a guardian ad litem has been appointed.

531 4. Who holds the rights to make educational decisions for
532 the child. If appropriate, the court may refer the child to the
533 district school superintendent for appointment of a surrogate
534 parent or may itself appoint a surrogate parent under the
535 Individuals with Disabilities Education Act and s. 39.0016.

536 5. The compliance or lack of compliance of all parties
537 with applicable items of the case plan, including whether the
538 parents notified the parties and the court of barriers to
539 complying with the case plan within a reasonable time after
540 discovering such barriers and the parents' compliance with child
541 support orders.

542 6. The compliance or lack of compliance with a visitation
543 contract between the parent and the social service agency for
544 contact with the child, including the frequency, duration, and
545 results of the parent-child visitation and the reason for any
546 noncompliance.

547 7. The frequency, kind, and duration of contacts among
548 siblings who have been separated during placement, as well as
549 any efforts undertaken to reunite separated siblings if doing so
550 is in the best interest of the child.

551 8. The compliance or lack of compliance of the parent in
552 meeting specified financial obligations pertaining to the care
553 of the child, including the reason for failure to comply and
554 whether the parents notified the parties and the court of
555 barriers to complying with the case plan within a reasonable
556 time after discovering such barriers, if applicable.

557 9. Whether the child is receiving safe and proper care
558 according to s. 39.6012, including, but not limited to, the
559 appropriateness of the child's current placement, including
560 whether the child is in a setting that is as family-like and as
561 close to the parent's home as possible, consistent with the
562 child's best interests and special needs, and including
563 maintaining stability in the child's educational placement, as
564 documented by assurances from the community-based care provider
565 that:

566 a. The placement of the child takes into account the
567 appropriateness of the current educational setting and the
568 proximity to the school in which the child is enrolled at the
569 time of placement.

570 b. The community-based care agency has coordinated with
571 appropriate local educational agencies to ensure that the child
572 remains in the school in which the child is enrolled at the time
573 of placement.

574 10. A projected date likely for the child's return home or
575 other permanent placement.

576 11. When appropriate, the basis for the unwillingness or
577 inability of the parent to become a party to a case plan. The
578 court and the citizen review panel shall determine if the
579 efforts of the social service agency to secure party
580 participation in a case plan were sufficient.

581 12. For a child who has reached 13 years of age but is not
582 yet 18 years of age, the adequacy of the child's preparation for
583 adulthood and independent living. For a child who is 15 years of
584 age or older, the court shall determine if appropriate steps are
585 being taken for the child to obtain a driver license or
586 learner's driver license.

587 13. If amendments to the case plan are required.
588 Amendments to the case plan must be made under s. 39.6013.

589 (d) Orders.—

590 1. Based upon the criteria set forth in paragraph (c) and
591 the recommended order of the citizen review panel, if any, the
592 court shall determine whether or not the social service agency
593 shall initiate proceedings to have a child declared a dependent
594 child, return the child to the parent, continue the child in
595 out-of-home care for a specified period of time, or initiate
596 termination of parental rights proceedings for subsequent
597 placement in an adoptive home. Amendments to the case plan must
598 be prepared as prescribed in s. 39.6013. If the court finds that
599 the prevention or reunification efforts of the department will
600 allow the child to remain safely at home or be safely returned

601 to the home, the court shall allow the child to remain in or
602 return to the home after making a specific finding of fact that
603 the reasons for the creation of the case plan have been remedied
604 to the extent that the child's safety, well-being, and physical,
605 mental, and emotional health will not be endangered.

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

611 3. If, in the opinion of the court, the social service
612 agency has not complied with its obligations as specified in the
613 written case plan, the court may find the social service agency
614 in contempt, shall order the social service agency to submit its
615 plans for compliance with the agreement, and shall require the
616 social service agency to show why the child could not safely be
617 returned to the home of the parents.

618 4. If, at any judicial review, the court finds that the
619 parents have failed to substantially comply with the case plan
620 to the degree that further reunification efforts are without
621 merit and not in the best interest of the child, on its own
622 motion, the court may order the filing of a petition for
623 termination of parental rights, whether or not the time period
624 as contained in the case plan for substantial compliance has
625 expired.

626 5. Within 6 months after the date that the child was
627 placed in shelter care, the court shall conduct a judicial
628 review hearing to review the child's permanency goal as
629 identified in the case plan. At the hearing the court shall make
630 written findings regarding the likelihood of the child's
631 reunification with the parent or legal custodian within 12
632 months after the removal of the child from the home. If the
633 court makes a written finding that it is not likely that the
634 child will be reunified with the parent or legal custodian
635 within 12 months after the child was removed from the home, the
636 department must file with the court, and serve on all parties, a
637 motion to amend the case plan under s. 39.6013 and declare that
638 it will use concurrent planning for the case plan. The
639 department must file the motion within 10 business days after
640 receiving the written finding of the court. The department must
641 attach the proposed amended case plan to the motion. If
642 concurrent planning is already being used, the department must
643 file with the court, and serve on all parties, a motion to amend
644 the case plan to reflect the concurrent goal as the child's
645 primary permanency goal, document the efforts the department is
646 taking to complete the concurrent goal, and identify any
647 additional services needed to reach the permanency goal by a
648 date certain. The court may allow the parties to continue to
649 pursue a secondary goal if the court determines that is in the
650 best interest of the child ~~case plan must document the efforts~~

651 ~~the department is taking to complete the concurrent goal.~~

652 6. The court may issue a protective order in assistance,
653 or as a condition, of any other order made under this part. In
654 addition to the requirements included in the case plan, the
655 protective order may set forth requirements relating to
656 reasonable conditions of behavior to be observed for a specified
657 period of time by a person or agency who is before the court;
658 and the order may require any person or agency to make periodic
659 reports to the court containing such information as the court in
660 its discretion may prescribe.

661 Section 12. Paragraph (e) of subsection (1) of section
662 39.806, Florida Statutes, is amended to read:

663 39.806 Grounds for termination of parental rights.—

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

666 (e) When a child has been adjudicated dependent, a case
667 plan has been filed with the court, and:

668 1. The child continues to be abused, neglected, or
669 abandoned by the parent or parents. The failure of the parent or
670 parents to substantially comply with the case plan for a period
671 of 12 months after an adjudication of the child as a dependent
672 child or the child's placement into shelter care, whichever
673 occurs first, constitutes evidence of continuing abuse, neglect,
674 or abandonment unless the failure to substantially comply with
675 the case plan was due to the parent's lack of financial

676 resources or to the failure of the department to make reasonable
677 efforts to reunify the parent and child. If the parents did not
678 notify the parties or the court that a barrier to compliance
679 with a particular case plan task existed within a reasonable
680 time after discovering such barrier, the court may reject
681 evidence that the department failed to make reasonable efforts
682 to monitor completion of such task. The 12-month period begins
683 to run only after the child's placement into shelter care or the
684 entry of a disposition order placing the custody of the child
685 with the department or a person other than the parent and the
686 court's approval of a case plan having the goal of reunification
687 with the parent, whichever occurs first; or

688 2. The parent or parents have materially breached the case
689 plan by their action or inaction. Time is of the essence for
690 permanency of children in the dependency system. In order to
691 prove the parent or parents have materially breached the case
692 plan, the court must find by clear and convincing evidence that
693 the parent or parents are unlikely or unable to substantially
694 comply with the case plan before time to comply with the case
695 plan expires.

696 3. The child has been in care for any 12 of the last 22
697 months and the parents have not substantially complied with the
698 case plan so as to permit reunification under s. 39.522(2)
699 unless the failure to substantially comply with the case plan
700 was due to the parent's lack of financial resources or to the

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701 failure of the department to make reasonable efforts to reunify
702 the parent and child. If the parents did not notify the parties
703 and the court that a barrier to compliance with a particular
704 case plan task existed within a reasonable time after
705 discovering such barrier, the court may reject evidence that the
706 department failed to make reasonable efforts to monitor
707 completion of such task.

708 Section 13. Subsection (5) of section 39.811, Florida
709 Statutes, is amended to read:

710 39.811 Powers of disposition; order of disposition.—

711 (5) If the court terminates parental rights, the court
712 shall enter a written order of disposition within 30 days after
713 conclusion of the hearing briefly stating the facts upon which
714 its decision to terminate the parental rights is made. An order
715 of termination of parental rights, whether based on parental
716 consent or after notice served as prescribed in this part,
717 permanently deprives the parents of any right to the child.

718 Section 14. This act shall take effect July 1, 2018.