



868338

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2018	.	
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The Committee on Children, Families, and Elder Affairs  
(Montford) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

39.001 Purposes and intent; personnel standards and  
screening.—



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11 (1) PURPOSES OF CHAPTER.—The purposes of this chapter are:  
12 (q) To recognize the responsibility of:  
13 1. The parent from whose custody a child has been taken to  
14 take action to comply with the case plan so reunification with  
15 the child may occur within the shortest period of time possible,  
16 but not more than 1 year after removal or adjudication of the  
17 child.  
18 2. The department and its community-based care providers to  
19 make reasonable efforts to finalize a family's permanency plan,  
20 including assisting parents with developing strategies to  
21 overcome barriers to case plan compliance.  
22 3. The court to affirmatively determine what the barriers  
23 are to timely reunification, and address such barriers as  
24 frequently as needed to ensure compliance with the time  
25 limitations established in this chapter.  
26 (3) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of  
27 the Legislature that the children of this state be provided with  
28 the following protections:  
29 (j) The ability to contact their guardian ad litem or  
30 attorney ad litem, if appointed, by having that individual's  
31 name entered on all orders of the court.  
32 (7) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—  
33 Parents, custodians, and guardians are deemed by the state to be  
34 responsible for providing their children with sufficient  
35 support, guidance, and supervision. The state further recognizes  
36 that the ability of parents, custodians, and guardians to  
37 fulfill those responsibilities can be greatly impaired by  
38 economic, social, behavioral, emotional, and related problems.  
39 It is therefore the policy of the Legislature that it is the



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40 state's responsibility to ensure that factors impeding the  
41 ability of caregivers to fulfill their responsibilities are  
42 identified through the dependency process and that appropriate  
43 recommendations and services to address those problems are  
44 considered in any judicial or nonjudicial proceeding. The  
45 Legislature also recognizes that time is of the essence for  
46 establishing permanency for a child in the dependency system.  
47 Therefore, parents must take action to comply with the case plan  
48 so reunification with the child may occur within the shortest  
49 period of time possible, but not more than 1 year after removal  
50 or adjudication of the child, including by notifying the parties  
51 and the court of barriers to case plan compliance.

52 Section 2. Section 39.0136, Florida Statutes, is amended to  
53 read:

54 39.0136 Time limitations; continuances.—

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

60 (2) (a) All parties and the court must work together to  
61 ensure that permanency is achieved as soon as possible for every  
62 child through timely performance of their responsibilities under  
63 this chapter.

64 (b) The department shall ensure that parents have the  
65 information necessary to contact their caseworker. When a new  
66 caseworker is assigned to a case, the caseworker shall make a  
67 timely and diligent effort to notify the parent and provide  
68 updated contact information.



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69           ~~(3)~~~~(2)~~ The time limitations in this chapter do not include:

70           (a) Periods of delay resulting from a continuance granted  
71 at the request of the child's counsel or the child's guardian ad  
72 litem or, if the child is of sufficient capacity to express  
73 reasonable consent, at the request or with the consent of the  
74 child. The court must consider the best interests of the child  
75 when determining periods of delay under this section.

76           (b) Periods of delay resulting from a continuance granted  
77 at the request of any party if the continuance is granted:

78           1. Because of an unavailability of evidence that is  
79 material to the case if the requesting party has exercised due  
80 diligence to obtain evidence and there are substantial grounds  
81 to believe that the evidence will be available within 30 days.  
82 However, if the requesting party is not prepared to proceed  
83 within 30 days, any other party may move for issuance of an  
84 order to show cause or the court on its own motion may impose  
85 appropriate sanctions, which may include dismissal of the  
86 petition.

87           2. To allow the requesting party additional time to prepare  
88 the case and additional time is justified because of an  
89 exceptional circumstance.

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

94           ~~(4)~~~~(3)~~ Notwithstanding subsection ~~(3)~~ ~~(2)~~, in order to  
95 expedite permanency for a child, the total time allowed for  
96 continuances or extensions of time, including continuances or  
97 extensions by the court on its own motion, may not exceed 60



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98 days within any 12-month period for proceedings conducted under  
99 this chapter.

100 (a) A continuance or extension of time may be granted only  
101 for extraordinary circumstances in which it is necessary to  
102 preserve the constitutional rights of a party or if substantial  
103 evidence exists to demonstrate that without granting a  
104 continuance or extension of time the child's best interests will  
105 be harmed.

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

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

112 (5) ~~(4)~~ Notwithstanding subsection (3) ~~(2)~~, a continuance or  
113 an extension of time is limited to the number of days absolutely  
114 necessary to complete a necessary task in order to preserve the  
115 rights of a party or the best interests of a child.

116 Section 3. Subsections (2) and (5) of section 39.202,  
117 Florida Statutes, are amended to read:

118 39.202 Confidentiality of reports and records in cases of  
119 child abuse or neglect.—

120 (2) Except as provided in subsection (4), access to such  
121 records, excluding the name of the reporter and the names of  
122 instructional personnel as defined in s. 1012.01(2), school  
123 administrators as defined in s. 1012.01(3)(c), and educational  
124 support employees as described in s. 1012.01(6)(a) who have  
125 provided information during a protective investigation which  
126 shall be released only as provided in subsection (5), shall be



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127 granted only to the following persons, officials, and agencies:  
128 (a) Employees, authorized agents, or contract providers of  
129 the department, the Department of Health, the Agency for Persons  
130 with Disabilities, the Office of Early Learning, or county  
131 agencies responsible for carrying out:  
132 1. Child or adult protective investigations;  
133 2. Ongoing child or adult protective services;  
134 3. Early intervention and prevention services;  
135 4. Healthy Start services;  
136 5. Licensure or approval of adoptive homes, foster homes,  
137 child care facilities, facilities licensed under chapter 393,  
138 family day care homes, providers who receive school readiness  
139 funding under part VI of chapter 1002, or other homes used to  
140 provide for the care and welfare of children;  
141 6. Employment screening for caregivers in residential group  
142 homes; or  
143 7. Services for victims of domestic violence when provided  
144 by certified domestic violence centers working at the  
145 department's request as case consultants or with shared clients.  
146  
147 Also, employees or agents of the Department of Juvenile Justice  
148 responsible for the provision of services to children, pursuant  
149 to chapters 984 and 985.  
150 (b) Criminal justice agencies of appropriate jurisdiction.  
151 (c) The state attorney of the judicial circuit in which the  
152 child resides or in which the alleged abuse or neglect occurred.  
153 (d) The parent or legal custodian of any child who is  
154 alleged to have been abused, abandoned, or neglected, and the  
155 child, and their attorneys, including any attorney representing



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156 a child in civil or criminal proceedings. This access must ~~shall~~  
157 be made available no later than 60 days after the department  
158 receives the initial report of abuse, neglect, or abandonment.  
159 However, any information otherwise made confidential or exempt  
160 by law may ~~shall~~ not be released pursuant to this paragraph.

161 (e) Any person alleged in the report as having caused the  
162 abuse, abandonment, or neglect of a child. This access must  
163 ~~shall~~ be made available no later than 60 days after the  
164 department receives the initial report of abuse, abandonment, or  
165 neglect and, when the alleged perpetrator is not a parent, must  
166 ~~shall~~ be limited to information involving the protective  
167 investigation only and may ~~shall~~ not include any information  
168 relating to subsequent dependency proceedings. However, any  
169 information otherwise made confidential or exempt by law may  
170 ~~shall~~ not be released pursuant to this paragraph.

171 (f) A court upon its finding that access to such records  
172 may be necessary for the determination of an issue before the  
173 court; however, such access must ~~shall~~ be limited to inspection  
174 in camera, unless the court determines that public disclosure of  
175 the information contained therein is necessary for the  
176 resolution of an issue then pending before it.

177 (g) A grand jury, by subpoena, upon its determination that  
178 access to such records is necessary in the conduct of its  
179 official business.

180 (h) Any appropriate official of the department or the  
181 Agency for Persons with Disabilities who is responsible for:

182 1. Administration or supervision of the department's  
183 program for the prevention, investigation, or treatment of child  
184 abuse, abandonment, or neglect, or abuse, neglect, or



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185 exploitation of a vulnerable adult, when carrying out his or her  
186 official function;

187         2. Taking appropriate administrative action concerning an  
188 employee of the department or the agency who is alleged to have  
189 perpetrated child abuse, abandonment, or neglect, or abuse,  
190 neglect, or exploitation of a vulnerable adult; or

191         3. Employing and continuing employment of personnel of the  
192 department or the agency.

193             (i) Any person authorized by the department who is engaged  
194 in the use of such records or information for bona fide  
195 research, statistical, or audit purposes. Such individual or  
196 entity shall enter into a privacy and security agreement with  
197 the department and shall comply with all laws and rules  
198 governing the use of such records and information for research  
199 and statistical purposes. Information identifying the subjects  
200 of such records or information shall be treated as confidential  
201 by the researcher and may ~~shall~~ not be released in any form.

202             (j) The Division of Administrative Hearings for purposes of  
203 any administrative challenge.

204             (k) Any appropriate official of an ~~a Florida~~ advocacy  
205 council in this state investigating a report of known or  
206 suspected child abuse, abandonment, or neglect; the Auditor  
207 General or the Office of Program Policy Analysis and Government  
208 Accountability for the purpose of conducting audits or  
209 examinations pursuant to law; or the guardian ad litem for the  
210 child.

211             (l) Employees or agents of an agency of another state that  
212 has comparable jurisdiction to the jurisdiction described in  
213 paragraph (a).





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214 (m) The Public Employees Relations Commission for the sole  
215 purpose of obtaining evidence for appeals filed pursuant to s.  
216 447.207. Records may be released only after deletion of all  
217 information which specifically identifies persons other than the  
218 employee.

219 (n) Employees or agents of the Department of Revenue  
220 responsible for child support enforcement activities.

221 (o) Any person in the event of the death of a child  
222 determined to be a result of abuse, abandonment, or neglect.  
223 Information identifying the person reporting abuse, abandonment,  
224 or neglect may ~~shall~~ not be released. Any information otherwise  
225 made confidential or exempt by law may ~~shall~~ not be released  
226 pursuant to this paragraph.

227 (p) An employee of the local school district who is  
228 designated as a liaison between the school district and the  
229 department pursuant to an interagency agreement required under  
230 s. 39.0016 and the principal of a public school, private school,  
231 or charter school where the child is a student. Information  
232 contained in the records which the liaison or the principal  
233 determines are necessary for a school employee to effectively  
234 provide a student with educational services may be released to  
235 that employee.

236 (q) An employee or agent of the Department of Education who  
237 is responsible for the investigation or prosecution of  
238 misconduct by a certified educator.

239 (r) Staff of a children's advocacy center that is  
240 established and operated under s. 39.3035.

241 (s) A physician licensed under chapter 458 or chapter 459,  
242 a psychologist licensed under chapter 490, or a mental health



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243 professional licensed under chapter 491 engaged in the care or  
244 treatment of the child.

245 (t) Persons with whom the department is seeking to place  
246 the child or to whom placement has been granted, including  
247 foster parents for whom an approved home study has been  
248 conducted, the designee of a licensed residential group home  
249 described in s. 39.523, an approved relative or nonrelative with  
250 whom a child is placed pursuant to s. 39.402, preadoptive  
251 parents for whom a favorable preliminary adoptive home study has  
252 been conducted, adoptive parents, or an adoption entity acting  
253 on behalf of preadoptive or adoptive parents.

254 (5) (a) The name of any person reporting child abuse,  
255 abandonment, or neglect may not be released to any person other  
256 than employees of the department responsible for child  
257 protective services, the central abuse hotline, law enforcement,  
258 the child protection team, or the appropriate state attorney,  
259 without the written consent of the person reporting. This does  
260 not prohibit the subpoenaing of a person reporting child abuse,  
261 abandonment, or neglect when deemed necessary by the court, the  
262 state attorney, or the department, provided the fact that such  
263 person made the report is not disclosed. Any person who reports  
264 a case of child abuse or neglect may, at the time he or she  
265 makes the report, request that the department notify him or her  
266 that a child protective investigation occurred as a result of  
267 the report. Any person specifically listed in s. 39.201(1) who  
268 makes a report in his or her official capacity may also request  
269 a written summary of the outcome of the investigation. The  
270 department must ~~shall~~ mail such a notice to the reporter within  
271 10 days after completing the child protective investigation.



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272           (b) The names of instructional personnel as defined in s.  
273 1012.01(2), school administrators as defined in s.  
274 1012.01(3)(c), and educational support employees as described in  
275 s. 1012.01(6)(a) who have provided information during a  
276 protective investigation may not be released to any person other  
277 than employees of the department responsible for child  
278 protective services, the central abuse hotline, law enforcement,  
279 the child protection team, or the appropriate state attorney  
280 without the written consent of such personnel.

281           Section 4. Paragraph (f) of subsection (14) and subsections  
282 (15) and (18) of section 39.402, Florida Statutes, are amended  
283 to read:

284           39.402 Placement in a shelter.—

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

286           (f) Continuances or extensions of time may not total more  
287 than 60 days for all parties, and the court on its own motion,  
288 within any 12-month period during proceedings under this  
289 chapter. A continuance or extension beyond the 60 days may be  
290 granted only for extraordinary circumstances necessary to  
291 preserve the constitutional rights of a party or when  
292 substantial evidence demonstrates that the child's best  
293 interests will be affirmatively harmed without the granting of a  
294 continuance or extension of time. When a continuance or  
295 extension is granted, the order shall specify the new date for  
296 the continued hearing or deadline.

297           (15) The department, at the conclusion of the shelter  
298 hearing, shall make available to parents or legal custodians  
299 seeking voluntary services, any referral information necessary  
300 for participation in such identified services to allow the



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301 parents to begin the services immediately. The parents' or legal  
302 custodians' participation in the services shall not be  
303 considered an admission or other acknowledgment of the  
304 allegations in the shelter petition.

305 (18) The court shall advise the parents in plain language  
306 what is expected of them to achieve reunification with their  
307 child, including that:

308 (a) Parents must take action to comply with the case plan  
309 so reunification with the child may occur within the shortest  
310 period of time possible, but not more than 1 year after removal  
311 or adjudication of the child.

312 (b) Parents must stay in contact with their attorney and  
313 their caseworker.

314 (c) Parents must notify the parties and the court of  
315 barriers to completing case plan tasks within a reasonable time  
316 after discovering such barriers.

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

320 Section 5. Paragraph (c) of subsection (7) of section  
321 39.507, Florida Statutes, is amended to read:

322 39.507 Adjudicatory hearings; orders of adjudication.-

323 (7)

324 (c) If a court adjudicates a child dependent and the child  
325 is in out-of-home care, the court shall inquire of the parent or  
326 parents whether the parents have relatives who might be  
327 considered as a placement for the child. The parent or parents  
328 shall provide the court and all parties with identification and  
329 location information for such relatives. The court shall advise



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330 the parents in plain language that:<sup>r</sup>

331 1. Parents must take action to comply with the case plan so  
332 reunification with the child may occur within the shortest  
333 period of time possible, but not more than 1 year after removal  
334 or adjudication of the child.

335 2. Parents must stay in contact with their attorney and  
336 their caseworker.

337 3. Parents must notify the parties and the court of  
338 barriers to completing case plan tasks within a reasonable time  
339 after discovering such barriers.

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

345 Section 6. Paragraph (a) of subsection (1) of section  
346 39.521, Florida Statutes, is amended to read:

347 39.521 Disposition hearings; powers of disposition.—

348 (1) A disposition hearing shall be conducted by the court,  
349 if the court finds that the facts alleged in the petition for  
350 dependency were proven in the adjudicatory hearing, or if the  
351 parents or legal custodians have consented to the finding of  
352 dependency or admitted the allegations in the petition, have  
353 failed to appear for the arraignment hearing after proper  
354 notice, or have not been located despite a diligent search  
355 having been conducted.

356 (a) A written case plan and a family functioning assessment  
357 prepared by an authorized agent of the department must be  
358 approved by the court. The department must file the case plan



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359 and the family functioning assessment with the court, serve  
360 copies ~~a copy of the case plan~~ on the parents of the child, and  
361 provide copies ~~a copy of the case plan~~ to the representative of  
362 the guardian ad litem program, if the program has been  
363 appointed, and copies ~~a copy~~ to all other parties:

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

368 2. Not less than 72 hours before the case plan acceptance  
369 hearing, if the disposition hearing occurs before the 60th day  
370 after the date the child was placed in out-of-home care and a  
371 case plan has not been submitted pursuant to this paragraph, or  
372 if the court does not approve the case plan at the disposition  
373 hearing. The case plan acceptance hearing must occur within 30  
374 days after the disposition hearing to review and approve the  
375 case plan.

376 Section 7. Subsection (1) of section 39.522, Florida  
377 Statutes, is amended to read:

378 39.522 Postdisposition change of custody.—The court may  
379 change the temporary legal custody or the conditions of  
380 protective supervision at a postdisposition hearing, without the  
381 necessity of another adjudicatory hearing.

382 (1) At any time before a child achieves the permanency  
383 placement approved at the permanency hearing, a child who has  
384 been placed in the child's own home under the protective  
385 supervision of an authorized agent of the department, in the  
386 home of a relative, in the home of a legal custodian, or in some  
387 other place may be brought before the court by the department or



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388 by any other interested person, upon the filing of a motion  
389 ~~petition~~ alleging a need for a change in the conditions of  
390 protective supervision or the placement. If the parents or other  
391 legal custodians deny the need for a change, the court shall  
392 hear all parties in person or by counsel, or both. Upon the  
393 admission of a need for a change or after such hearing, the  
394 court shall enter an order changing the placement, modifying the  
395 conditions of protective supervision, or continuing the  
396 conditions of protective supervision as ordered. The standard  
397 for changing custody of the child shall be the best interest of  
398 the child. When applying this standard, the court shall consider  
399 the continuity of the child's placement in the same out-of-home  
400 residence as a factor when determining the best interests of the  
401 child. If the child is not placed in foster care, then the new  
402 placement for the child must meet the home study criteria and  
403 court approval pursuant to this chapter.

404 Section 8. Present subsections (4) through (8) of section  
405 39.6011, Florida Statutes, are redesignated as subsections (5)  
406 through (9), respectively, and paragraph (e) of subsection (2),  
407 subsection (3), and present subsection (6) of that section are  
408 amended, to read:

409 39.6011 Case plan development.—

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

414 (e) A written notice to the parent that it is the parents'  
415 responsibility to take action to comply with the case plan so  
416 reunification with the child may occur within the shortest



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417 period of time possible, but not more than 1 year after removal  
418 or adjudication of the child; the parent must notify the parties  
419 and the court of barriers to completing case plan tasks within a  
420 reasonable time after discovering such barriers; failure of the  
421 parent to substantially comply with the case plan may result in  
422 the termination of parental rights;it and ~~that~~ a material breach  
423 of the case plan by the parent's action or inaction may result  
424 in the filing of a petition for termination of parental rights  
425 sooner than the compliance period set forth in the case plan.

426 (3) The case plan must be signed by all parties, except  
427 that the signature of a child may be waived if the child is not  
428 of an age or capacity to participate in the case-planning  
429 process. Signing the case plan constitutes an acknowledgment  
430 that the case plan has been developed by the parties and that  
431 they are in agreement as to the terms and conditions contained  
432 in the case plan. The refusal of a parent to sign the case plan  
433 does not prevent the court from accepting the case plan if the  
434 case plan is otherwise acceptable to the court. Signing the case  
435 plan does not constitute an admission to any allegation of  
436 abuse, abandonment, or neglect and does not constitute consent  
437 to a finding of dependency or termination of parental rights.

438 (4) Before signing the case plan, the department shall  
439 explain the provisions of the plan to all persons involved in  
440 its implementation, including, when appropriate, the child. The  
441 department shall ensure that the parent has contact information  
442 for all entities necessary to complete the tasks in the plan.  
443 The department shall explain the strategies included in the plan  
444 that the parent can use to overcome barriers to case plan  
445 compliance and that if a barrier is discovered and the parties





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446 are not actively working to overcome such barrier, the parent  
447 must notify the parties and the court within a reasonable time  
448 after discovering such barrier.

449 (7)(6) After the case plan has been developed, the  
450 department shall adhere to the following procedural  
451 requirements:

452 (a) If the parent's substantial compliance with the case  
453 plan requires the department to provide services to the parents  
454 or the child and the parents agree to begin compliance with the  
455 case plan before the case plan's acceptance by the court, the  
456 department shall make the appropriate referrals for services  
457 that will allow the parents to begin the agreed-upon tasks and  
458 services immediately.

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

464 (c)(b) After the case plan has been agreed upon and signed  
465 by the parties, a copy of the plan must be given immediately to  
466 the parties, including the child if appropriate, and to other  
467 persons as directed by the court.

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

472 2. In each case in which a child has been placed in out-of-  
473 home care, a case plan must be prepared within 60 days after the  
474 department removes the child from the home and shall be



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475 submitted to the court before the disposition hearing for the  
476 court to review and approve.

477 3. After jurisdiction attaches, all case plans must be  
478 filed with the court, and a copy provided to all the parties  
479 whose whereabouts are known, not less than 3 business days  
480 before the disposition hearing. The department shall file with  
481 the court, and provide copies to the parties, all case plans  
482 prepared before jurisdiction of the court attached.

483 Section 9. Paragraph (b) of subsection (1) of section  
484 39.6012, Florida Statutes, is amended, and subsection (4) is  
485 added to that section, to read:

486 39.6012 Case plan tasks; services.—

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

489 (b) The case plan must describe each of the tasks with  
490 which the parent must comply and the services to be provided to  
491 the parent, specifically addressing the identified problem,  
492 including:

493 1. The type of services or treatment.

494 2. The date the department will provide each service or  
495 referral for the service if the service is being provided by the  
496 department or its agent.

497 3. The date by which the parent must complete each task.

498 4. The frequency of services or treatment provided. The  
499 frequency of the delivery of services or treatment provided  
500 shall be determined by the professionals providing the services  
501 or treatment on a case-by-case basis and adjusted according to  
502 their best professional judgment.

503 5. The location of the delivery of the services.



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504           6. The staff of the department or service provider  
505 accountable for the services or treatment.

506           7. A description of the measurable objectives, including  
507 the timeframes specified for achieving the objectives of the  
508 case plan and addressing the identified problem.

509           8. Strategies to overcome barriers to case plan compliance,  
510 including, but not limited to, the provision of contact  
511 information, information on acceptable alternative services or  
512 providers, and an explanation that the parent must notify the  
513 parties within a reasonable time of discovering a barrier that  
514 the parties are not actively working to overcome.

515           Section 10. Subsection (7) of section 39.6013, Florida  
516 Statutes, is amended to read:

517           39.6013 Case plan amendments.—

518           (7) Amendments must include service interventions that are  
519 the least intrusive into the life of the parent and child, must  
520 focus on clearly defined objectives, and must provide the most  
521 efficient path to quick reunification or permanent placement  
522 given the circumstances of the case and the child's need for  
523 safe and proper care. A copy of the amended plan must be  
524 immediately given to the persons identified in s. 39.6011(7)(c)  
525 ~~s. 39.6011(6)(b)~~.

526           Section 11. Present subsections (7) through (10) of section  
527 39.621, Florida Statutes, are redesignated as subsections (8)  
528 through (11), respectively, subsection (5) and present  
529 subsections (9), (10), and (11) are amended, and a new  
530 subsection (7) is added to that section, to read:

531           39.621 Permanency determination by the court.—

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



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

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

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

539 (7) If the court determines that the child's goal is  
540 appropriate but the child will be in out-of-home care for more  
541 than 12 months before achieving permanency, in those cases where  
542 the goal is reunification or adoption, the court shall hold  
543 permanency status hearings for the child every 60 days until the  
544 child reaches permanency or the court makes a determination that  
545 it is in the child's best interest to change the permanency  
546 goal.

547 ~~(10)-(9)~~ The case plan must list the tasks necessary to  
548 finalize the permanency placement and shall be updated at the  
549 permanency hearing unless the child will achieve permanency  
550 within 60 days after the hearing if necessary. If a concurrent  
551 case plan is in place, the court may choose between the  
552 permanency goal options presented and shall approve the goal  
553 that is in the child's best interest.

554 ~~(11)-(10)~~ The permanency placement is intended to continue  
555 until the child reaches the age of majority and may not be  
556 disturbed absent a finding by the court that the circumstances  
557 of the permanency placement are no longer in the best interest  
558 of the child.

559 (a) If, after a child has achieved the permanency placement  
560 approved at the permanency hearing, a parent who has not had his  
561 or her parental rights terminated makes a motion for



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562 reunification or increased contact with the child, the court  
563 shall hold a hearing to determine whether the dependency case  
564 should be reopened and whether there should be a modification of  
565 the order.

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

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

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

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

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

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

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

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

585 Section 12. Paragraph (d) of subsection (2) of section  
586 39.701, Florida Statutes, is amended to read:

587 39.701 Judicial review.—

588 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
589 AGE.—

590 (d) *Orders.*—



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591           1. Based upon the criteria set forth in paragraph (c) and  
592 the recommended order of the citizen review panel, if any, the  
593 court shall determine whether or not the social service agency  
594 shall initiate proceedings to have a child declared a dependent  
595 child, return the child to the parent, continue the child in  
596 out-of-home care for a specified period of time, or initiate  
597 termination of parental rights proceedings for subsequent  
598 placement in an adoptive home. Amendments to the case plan must  
599 be prepared as prescribed in s. 39.6013. If the court finds that  
600 the prevention or reunification efforts of the department will  
601 allow the child to remain safely at home or be safely returned  
602 to the home, the court shall allow the child to remain in or  
603 return to the home after making a specific finding of fact that  
604 the reasons for the creation of the case plan have been remedied  
605 to the extent that the child's safety, well-being, and physical,  
606 mental, and emotional health will not be endangered.

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

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

619           4. If, at any judicial review, the court finds that the



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

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



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649 parties to continue to pursue a secondary goal if the court  
650 determines that is in the best interest of the child case plan  
651 ~~must document the efforts the department is taking to complete~~  
652 ~~the concurrent goal.~~

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

662         Section 13. Paragraph (e) of subsection (1) of section  
663 39.806, Florida Statutes, is amended to read:

664         39.806 Grounds for termination of parental rights.—

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

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

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





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678 efforts to reunify the parent and child. The 12-month period  
679 begins to run only after the child's placement into shelter care  
680 or the entry of a disposition order placing the custody of the  
681 child with the department or a person other than the parent and  
682 the court's approval of a case plan having the goal of  
683 reunification with the parent, whichever occurs first; or

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

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

699         Section 14. Subsection (5) of section 39.811, Florida  
700 Statutes, is amended to read:

701         39.811 Powers of disposition; order of disposition.—

702         (5) If the court terminates parental rights, the court  
703 shall enter a written order of disposition within 30 days after  
704 conclusion of the hearing briefly stating the facts upon which  
705 its decision to terminate the parental rights is made. An order  
706 of termination of parental rights, whether based on parental



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707 consent or after notice served as prescribed in this part,  
708 permanently deprives the parents of any right to the child.  
709 Section 15. This act shall take effect July 1, 2018.

710  
711 ===== T I T L E A M E N D M E N T =====

712 And the title is amended as follows:

713 Delete everything before the enacting clause  
714 and insert:

715 A bill to be entitled  
716 An act relating to child welfare; amending s. 39.001,  
717 F.S.; providing an additional purpose of ch. 39, F.S.;  
718 providing for the name of a child's guardian ad litem  
719 or attorney ad litem to be entered on court orders in  
720 dependency proceedings; amending s. 39.0136, F.S.;  
721 requiring cooperation between certain parties and the  
722 court to achieve permanency for a child in a timely  
723 manner; requiring certain court orders to specify  
724 certain deadlines; amending s. 39.202, F.S.;  
725 prohibiting the Department of Children and Families  
726 from releasing the names of certain persons who have  
727 provided information during a protective investigation  
728 except under certain circumstances; amending s.  
729 39.402, F.S.; providing that time limitations  
730 governing placement of a child in a shelter do not  
731 include continuances requested by the court; providing  
732 limitations on continuances; providing requirements  
733 for parents to achieve reunification with the child;  
734 amending s. 39.507, F.S.; requiring the court to  
735 advise the parents during an adjudicatory hearing of



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736 certain actions that are required to achieve  
737 reunification; amending s. 39.521, F.S.; requiring the  
738 department to provide copies of the family functioning  
739 assessment to certain persons; amending s. 39.522,  
740 F.S.; providing conditions for the court to consider  
741 the continuity of the child's placement in the same  
742 out-of-home residence before the permanency placement  
743 is approved in a postdisposition proceeding to modify  
744 custody; amending s. 39.6011, F.S.; requiring a case  
745 plan for a child receiving services from the  
746 department to include a protocol for parents to  
747 achieve reunification with the child; providing that  
748 certain action or inaction by a parent may result in  
749 termination of parental rights; requiring the  
750 department to provide certain information to a parent  
751 before signing a case plan; providing a timeframe for  
752 referral for services; amending s. 39.6012, F.S.;  
753 requiring a case plan to contain certain information;  
754 amending s. 39.6013, F.S.; conforming a cross-  
755 reference; amending s. 39.621, F.S.; requiring the  
756 court to hold permanency hearings within specified  
757 timeframes until permanency is determined; amending s.  
758 39.701, F.S.; requiring the department to file a  
759 motion to amend a case plan when concurrent planning  
760 is used, under certain circumstances; amending s.  
761 39.806, F.S.; specifying that a parent or parents may  
762 materially breach a case plan by action or inaction;  
763 amending s. 39.811, F.S.; requiring the court to enter  
764 a written order of disposition of the child following



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765  
766

termination of parental rights within a specified  
timeframe; providing an effective date.