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LEGISLATIVE ACTION

Senate

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House

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:r

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.*—



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