

By the Committee on Children, Families, and Elder Affairs; and  
Senators Montford and Book

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1                   A bill to be entitled  
2           An act relating to child welfare; amending s. 39.001,  
3           F.S.; providing an additional purpose of ch. 39, F.S.;  
4           providing for the name of a child's guardian ad litem  
5           or attorney ad litem to be entered on court orders in  
6           dependency proceedings; amending s. 39.0136, F.S.;  
7           requiring cooperation between certain parties and the  
8           court to achieve permanency for a child in a timely  
9           manner; requiring certain court orders to specify  
10          certain deadlines; amending s. 39.202, F.S.;  
11          prohibiting the Department of Children and Families  
12          from releasing the names of certain persons who have  
13          provided information during a protective investigation  
14          except under certain circumstances; amending s.  
15          39.402, F.S.; providing that time limitations  
16          governing placement of a child in a shelter do not  
17          include continuances requested by the court; providing  
18          limitations on continuances; providing requirements  
19          for parents to achieve reunification with the child;  
20          amending s. 39.507, F.S.; requiring the court to  
21          advise the parents during an adjudicatory hearing of  
22          certain actions that are required to achieve  
23          reunification; amending s. 39.521, F.S.; requiring the  
24          department to provide copies of the family functioning  
25          assessment to certain persons; amending s. 39.522,  
26          F.S.; providing conditions for the court to consider  
27          the continuity of the child's placement in the same  
28          out-of-home residence before the permanency placement  
29          is approved in a postdisposition proceeding to modify

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30 custody; amending s. 39.6011, F.S.; requiring a case  
31 plan for a child receiving services from the  
32 department to include a protocol for parents to  
33 achieve reunification with the child; providing that  
34 certain action or inaction by a parent may result in  
35 termination of parental rights; requiring the  
36 department to provide certain information to a parent  
37 before signing a case plan; providing a timeframe for  
38 referral for services; amending s. 39.6012, F.S.;  
39 requiring a case plan to contain certain information;  
40 amending s. 39.6013, F.S.; conforming a cross-  
41 reference; amending s. 39.621, F.S.; requiring the  
42 court to hold permanency hearings within specified  
43 timeframes until permanency is determined; amending s.  
44 39.701, F.S.; requiring the department to file a  
45 motion to amend a case plan when concurrent planning  
46 is used, under certain circumstances; amending s.  
47 39.806, F.S.; specifying that a parent or parents may  
48 materially breach a case plan by action or inaction;  
49 amending s. 39.811, F.S.; requiring the court to enter  
50 a written order of disposition of the child following  
51 termination of parental rights within a specified  
52 timeframe; providing an effective date.

53  
54 Be It Enacted by the Legislature of the State of Florida:

55  
56 Section 1. Subsection (7) of section 39.001, Florida  
57 Statutes, is amended, and paragraph (q) is added to subsection  
58 (1) and paragraph (j) is added to subsection (3) of that

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59 section, to read:

60 39.001 Purposes and intent; personnel standards and  
61 screening.—

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

63 (g) To recognize the responsibility of:

64 1. The parent from whose custody a child has been taken to  
65 take action to comply with the case plan so reunification with  
66 the child may occur within the shortest period of time possible,  
67 but not more than 1 year after removal or adjudication of the  
68 child.

69 2. The department and its community-based care providers to  
70 make reasonable efforts to finalize a family's permanency plan,  
71 including assisting parents with developing strategies to  
72 overcome barriers to case plan compliance.

73 3. The court to affirmatively determine what the barriers  
74 are to timely reunification, and address such barriers as  
75 frequently as needed to ensure compliance with the time  
76 limitations established in this chapter.

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

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

83 (7) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—  
84 Parents, custodians, and guardians are deemed by the state to be  
85 responsible for providing their children with sufficient  
86 support, guidance, and supervision. The state further recognizes  
87 that the ability of parents, custodians, and guardians to

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88 fulfill those responsibilities can be greatly impaired by  
89 economic, social, behavioral, emotional, and related problems.  
90 It is therefore the policy of the Legislature that it is the  
91 state's responsibility to ensure that factors impeding the  
92 ability of caregivers to fulfill their responsibilities are  
93 identified through the dependency process and that appropriate  
94 recommendations and services to address those problems are  
95 considered in any judicial or nonjudicial proceeding. The  
96 Legislature also recognizes that time is of the essence for  
97 establishing permanency for a child in the dependency system.  
98 Therefore, parents must take action to comply with the case plan  
99 so reunification with the child may occur within the shortest  
100 period of time possible, but not more than 1 year after removal  
101 or adjudication of the child, including by notifying the parties  
102 and the court of barriers to case plan compliance.

103 Section 2. Section 39.0136, Florida Statutes, is amended to  
104 read:

105 39.0136 Time limitations; continuances.—

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

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

115 (b) The department shall ensure that parents have the  
116 information necessary to contact their caseworker. When a new

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117 caseworker is assigned to a case, the caseworker shall make a  
118 timely and diligent effort to notify the parent and provide  
119 updated contact information.

120 (3)~~(2)~~ The time limitations in this chapter do not include:

121 (a) Periods of delay resulting from a continuance granted  
122 at the request of the child's counsel or the child's guardian ad  
123 litem or, if the child is of sufficient capacity to express  
124 reasonable consent, at the request or with the consent of the  
125 child. The court must consider the best interests of the child  
126 when determining periods of delay under this section.

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

129 1. Because of an unavailability of evidence that is  
130 material to the case if the requesting party has exercised due  
131 diligence to obtain evidence and there are substantial grounds  
132 to believe that the evidence will be available within 30 days.  
133 However, if the requesting party is not prepared to proceed  
134 within 30 days, any other party may move for issuance of an  
135 order to show cause or the court on its own motion may impose  
136 appropriate sanctions, which may include dismissal of the  
137 petition.

138 2. To allow the requesting party additional time to prepare  
139 the case and additional time is justified because of an  
140 exceptional circumstance.

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

145 (4)~~(3)~~ Notwithstanding subsection (3) ~~(2)~~, in order to

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146 expedite permanency for a child, the total time allowed for  
147 continuances or extensions of time, including continuances or  
148 extensions by the court on its own motion, may not exceed 60  
149 days within any 12-month period for proceedings conducted under  
150 this chapter.

151 (a) A continuance or extension of time may be granted only  
152 for extraordinary circumstances in which it is necessary to  
153 preserve the constitutional rights of a party or if substantial  
154 evidence exists to demonstrate that without granting a  
155 continuance or extension of time the child's best interests will  
156 be harmed.

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

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

163 (5)~~(4)~~ Notwithstanding subsection (3) ~~(2)~~, a continuance or  
164 an extension of time is limited to the number of days absolutely  
165 necessary to complete a necessary task in order to preserve the  
166 rights of a party or the best interests of a child.

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

169 39.202 Confidentiality of reports and records in cases of  
170 child abuse or neglect.—

171 (2) Except as provided in subsection (4), access to such  
172 records, excluding the name of the reporter and the names of  
173 instructional personnel as defined in s. 1012.01(2), school  
174 administrators as defined in s. 1012.01(3)(c), and educational

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175 support employees as described in s. 1012.01(6)(a) who have  
176 provided information during a protective investigation which  
177 shall be released only as provided in subsection (5), shall be  
178 granted only to the following persons, officials, and agencies:  
179 (a) Employees, authorized agents, or contract providers of  
180 the department, the Department of Health, the Agency for Persons  
181 with Disabilities, the Office of Early Learning, or county  
182 agencies responsible for carrying out:  
183 1. Child or adult protective investigations;  
184 2. Ongoing child or adult protective services;  
185 3. Early intervention and prevention services;  
186 4. Healthy Start services;  
187 5. Licensure or approval of adoptive homes, foster homes,  
188 child care facilities, facilities licensed under chapter 393,  
189 family day care homes, providers who receive school readiness  
190 funding under part VI of chapter 1002, or other homes used to  
191 provide for the care and welfare of children;  
192 6. Employment screening for caregivers in residential group  
193 homes; or  
194 7. Services for victims of domestic violence when provided  
195 by certified domestic violence centers working at the  
196 department's request as case consultants or with shared clients.  
197  
198 Also, employees or agents of the Department of Juvenile Justice  
199 responsible for the provision of services to children, pursuant  
200 to chapters 984 and 985.  
201 (b) Criminal justice agencies of appropriate jurisdiction.  
202 (c) The state attorney of the judicial circuit in which the  
203 child resides or in which the alleged abuse or neglect occurred.

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204 (d) The parent or legal custodian of any child who is  
205 alleged to have been abused, abandoned, or neglected, and the  
206 child, and their attorneys, including any attorney representing  
207 a child in civil or criminal proceedings. This access must ~~shall~~  
208 be made available no later than 60 days after the department  
209 receives the initial report of abuse, neglect, or abandonment.  
210 However, any information otherwise made confidential or exempt  
211 by law may ~~shall~~ not be released pursuant to this paragraph.

212 (e) Any person alleged in the report as having caused the  
213 abuse, abandonment, or neglect of a child. This access must  
214 ~~shall~~ be made available no later than 60 days after the  
215 department receives the initial report of abuse, abandonment, or  
216 neglect and, when the alleged perpetrator is not a parent, must  
217 ~~shall~~ be limited to information involving the protective  
218 investigation only and may ~~shall~~ not include any information  
219 relating to subsequent dependency proceedings. However, any  
220 information otherwise made confidential or exempt by law may  
221 ~~shall~~ not be released pursuant to this paragraph.

222 (f) A court upon its finding that access to such records  
223 may be necessary for the determination of an issue before the  
224 court; however, such access must ~~shall~~ be limited to inspection  
225 in camera, unless the court determines that public disclosure of  
226 the information contained therein is necessary for the  
227 resolution of an issue then pending before it.

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

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



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233 1. Administration or supervision of the department's  
234 program for the prevention, investigation, or treatment of child  
235 abuse, abandonment, or neglect, or abuse, neglect, or  
236 exploitation of a vulnerable adult, when carrying out his or her  
237 official function;

238 2. Taking appropriate administrative action concerning an  
239 employee of the department or the agency who is alleged to have  
240 perpetrated child abuse, abandonment, or neglect, or abuse,  
241 neglect, or exploitation of a vulnerable adult; or

242 3. Employing and continuing employment of personnel of the  
243 department or the agency.

244 (i) Any person authorized by the department who is engaged  
245 in the use of such records or information for bona fide  
246 research, statistical, or audit purposes. Such individual or  
247 entity shall enter into a privacy and security agreement with  
248 the department and shall comply with all laws and rules  
249 governing the use of such records and information for research  
250 and statistical purposes. Information identifying the subjects  
251 of such records or information shall be treated as confidential  
252 by the researcher and may ~~shall~~ not be released in any form.

253 (j) The Division of Administrative Hearings for purposes of  
254 any administrative challenge.

255 (k) Any appropriate official of an ~~a Florida~~ advocacy  
256 council in this state investigating a report of known or  
257 suspected child abuse, abandonment, or neglect; the Auditor  
258 General or the Office of Program Policy Analysis and Government  
259 Accountability for the purpose of conducting audits or  
260 examinations pursuant to law; or the guardian ad litem for the  
261 child.

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262 (l) Employees or agents of an agency of another state that  
263 has comparable jurisdiction to the jurisdiction described in  
264 paragraph (a).

265 (m) The Public Employees Relations Commission for the sole  
266 purpose of obtaining evidence for appeals filed pursuant to s.  
267 447.207. Records may be released only after deletion of all  
268 information which specifically identifies persons other than the  
269 employee.

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

272 (o) Any person in the event of the death of a child  
273 determined to be a result of abuse, abandonment, or neglect.  
274 Information identifying the person reporting abuse, abandonment,  
275 or neglect may ~~shall~~ not be released. Any information otherwise  
276 made confidential or exempt by law may ~~shall~~ not be released  
277 pursuant to this paragraph.

278 (p) An employee of the local school district who is  
279 designated as a liaison between the school district and the  
280 department pursuant to an interagency agreement required under  
281 s. 39.0016 and the principal of a public school, private school,  
282 or charter school where the child is a student. Information  
283 contained in the records which the liaison or the principal  
284 determines are necessary for a school employee to effectively  
285 provide a student with educational services may be released to  
286 that employee.

287 (q) An employee or agent of the Department of Education who  
288 is responsible for the investigation or prosecution of  
289 misconduct by a certified educator.

290 (r) Staff of a children's advocacy center that is

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291 established and operated under s. 39.3035.

292 (s) A physician licensed under chapter 458 or chapter 459,  
293 a psychologist licensed under chapter 490, or a mental health  
294 professional licensed under chapter 491 engaged in the care or  
295 treatment of the child.

296 (t) Persons with whom the department is seeking to place  
297 the child or to whom placement has been granted, including  
298 foster parents for whom an approved home study has been  
299 conducted, the designee of a licensed residential group home  
300 described in s. 39.523, an approved relative or nonrelative with  
301 whom a child is placed pursuant to s. 39.402, preadoptive  
302 parents for whom a favorable preliminary adoptive home study has  
303 been conducted, adoptive parents, or an adoption entity acting  
304 on behalf of preadoptive or adoptive parents.

305 (5) (a) The name of any person reporting child abuse,  
306 abandonment, or neglect may not be released to any person other  
307 than employees of the department responsible for child  
308 protective services, the central abuse hotline, law enforcement,  
309 the child protection team, or the appropriate state attorney,  
310 without the written consent of the person reporting. This does  
311 not prohibit the subpoenaing of a person reporting child abuse,  
312 abandonment, or neglect when deemed necessary by the court, the  
313 state attorney, or the department, provided the fact that such  
314 person made the report is not disclosed. Any person who reports  
315 a case of child abuse or neglect may, at the time he or she  
316 makes the report, request that the department notify him or her  
317 that a child protective investigation occurred as a result of  
318 the report. Any person specifically listed in s. 39.201(1) who  
319 makes a report in his or her official capacity may also request

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320 a written summary of the outcome of the investigation. The  
321 department must ~~shall~~ mail such a notice to the reporter within  
322 10 days after completing the child protective investigation.

323 (b) The names of instructional personnel as defined in s.  
324 1012.01(2), school administrators as defined in s.  
325 1012.01(3)(c), and educational support employees as described in  
326 s. 1012.01(6)(a) who have provided information during a  
327 protective investigation may not be released to any person other  
328 than employees of the department responsible for child  
329 protective services, the central abuse hotline, law enforcement,  
330 the child protection team, or the appropriate state attorney  
331 without the written consent of such personnel.

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

335 39.402 Placement in a shelter.—

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

337 (f) Continuances or extensions of time may not total more  
338 than 60 days for all parties, and the court on its own motion,  
339 within any 12-month period during proceedings under this  
340 chapter. A continuance or extension beyond the 60 days may be  
341 granted only for extraordinary circumstances necessary to  
342 preserve the constitutional rights of a party or when  
343 substantial evidence demonstrates that the child's best  
344 interests will be affirmatively harmed without the granting of a  
345 continuance or extension of time. When a continuance or  
346 extension is granted, the order shall specify the new date for  
347 the continued hearing or deadline.

348 (15) The department, at the conclusion of the shelter

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349 hearing, shall make available to parents or legal custodians  
350 seeking voluntary services, any referral information necessary  
351 for participation in such identified services to allow the  
352 parents to begin the services immediately. The parents' or legal  
353 custodians' participation in the services shall not be  
354 considered an admission or other acknowledgment of the  
355 allegations in the shelter petition.

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

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

363 (b) Parents must stay in contact with their attorney and  
364 their caseworker.

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

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

371 Section 5. Paragraph (c) of subsection (7) of section  
372 39.507, Florida Statutes, is amended to read:

373 39.507 Adjudicatory hearings; orders of adjudication.—

374 (7)

375 (c) If a court adjudicates a child dependent and the child  
376 is in out-of-home care, the court shall inquire of the parent or  
377 parents whether the parents have relatives who might be

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378 considered as a placement for the child. The parent or parents  
379 shall provide the court and all parties with identification and  
380 location information for such relatives. The court shall advise  
381 the parents in plain language that:<sup>7</sup>

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

386 2. Parents must stay in contact with their attorney and  
387 their caseworker.

388 3. Parents must notify the parties and the court of  
389 barriers to completing case plan tasks within a reasonable time  
390 after discovering such barriers.

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

396 Section 6. Paragraph (a) of subsection (1) of section  
397 39.521, Florida Statutes, is amended to read:

398 39.521 Disposition hearings; powers of disposition.—

399 (1) A disposition hearing shall be conducted by the court,  
400 if the court finds that the facts alleged in the petition for  
401 dependency were proven in the adjudicatory hearing, or if the  
402 parents or legal custodians have consented to the finding of  
403 dependency or admitted the allegations in the petition, have  
404 failed to appear for the arraignment hearing after proper  
405 notice, or have not been located despite a diligent search  
406 having been conducted.

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407 (a) A written case plan and a family functioning assessment  
408 prepared by an authorized agent of the department must be  
409 approved by the court. The department must file the case plan  
410 and the family functioning assessment with the court, serve  
411 copies ~~a copy of the case plan~~ on the parents of the child, and  
412 provide copies ~~a copy of the case plan~~ to the representative of  
413 the guardian ad litem program, if the program has been  
414 appointed, and copies ~~a copy~~ to all other parties:

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

419 2. Not less than 72 hours before the case plan acceptance  
420 hearing, if the disposition hearing occurs before the 60th day  
421 after the date the child was placed in out-of-home care and a  
422 case plan has not been submitted pursuant to this paragraph, or  
423 if the court does not approve the case plan at the disposition  
424 hearing. The case plan acceptance hearing must occur within 30  
425 days after the disposition hearing to review and approve the  
426 case plan.

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

429 39.522 Postdisposition change of custody.—The court may  
430 change the temporary legal custody or the conditions of  
431 protective supervision at a postdisposition hearing, without the  
432 necessity of another adjudicatory hearing.

433 (1) At any time before a child achieves the permanency  
434 placement approved at the permanency hearing, a child who has  
435 been placed in the child's own home under the protective

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436 supervision of an authorized agent of the department, in the  
437 home of a relative, in the home of a legal custodian, or in some  
438 other place may be brought before the court by the department or  
439 by any other interested person, upon the filing of a motion  
440 ~~petition~~ alleging a need for a change in the conditions of  
441 protective supervision or the placement. If the parents or other  
442 legal custodians deny the need for a change, the court shall  
443 hear all parties in person or by counsel, or both. Upon the  
444 admission of a need for a change or after such hearing, the  
445 court shall enter an order changing the placement, modifying the  
446 conditions of protective supervision, or continuing the  
447 conditions of protective supervision as ordered. The standard  
448 for changing custody of the child shall be the best interest of  
449 the child. When applying this standard, the court shall consider  
450 the continuity of the child's placement in the same out-of-home  
451 residence as a factor when determining the best interests of the  
452 child. If the child is not placed in foster care, then the new  
453 placement for the child must meet the home study criteria and  
454 court approval pursuant to this chapter.

455 Section 8. Present subsections (4) through (8) of section  
456 39.6011, Florida Statutes, are redesignated as subsections (5)  
457 through (9), respectively, and paragraph (e) of subsection (2),  
458 subsection (3), and present subsection (6) of that section are  
459 amended, to read:

460 39.6011 Case plan development.—

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



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465 (e) A written notice to the parent that it is the parents'  
466 responsibility to take action to comply with the case plan so  
467 reunification with the child may occur within the shortest  
468 period of time possible, but not more than 1 year after removal  
469 or adjudication of the child; the parent must notify the parties  
470 and the court of barriers to completing case plan tasks within a  
471 reasonable time after discovering such barriers; failure of the  
472 parent to substantially comply with the case plan may result in  
473 the termination of parental rights;~~;~~ and ~~that~~ a material breach  
474 of the case plan by the parent's action or inaction may result  
475 in the filing of a petition for termination of parental rights  
476 sooner than the compliance period set forth in the case plan.

477 (3) The case plan must be signed by all parties, except  
478 that the signature of a child may be waived if the child is not  
479 of an age or capacity to participate in the case-planning  
480 process. Signing the case plan constitutes an acknowledgment  
481 that the case plan has been developed by the parties and that  
482 they are in agreement as to the terms and conditions contained  
483 in the case plan. The refusal of a parent to sign the case plan  
484 does not prevent the court from accepting the case plan if the  
485 case plan is otherwise acceptable to the court. Signing the case  
486 plan does not constitute an admission to any allegation of  
487 abuse, abandonment, or neglect and does not constitute consent  
488 to a finding of dependency or termination of parental rights.

489 (4) Before signing the case plan, the department shall  
490 explain the provisions of the plan to all persons involved in  
491 its implementation, including, when appropriate, the child. The  
492 department shall ensure that the parent has contact information  
493 for all entities necessary to complete the tasks in the plan.

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494 The department shall explain the strategies included in the plan  
495 that the parent can use to overcome barriers to case plan  
496 compliance and that if a barrier is discovered and the parties  
497 are not actively working to overcome such barrier, the parent  
498 must notify the parties and the court within a reasonable time  
499 after discovering such barrier.

500 (7)~~(6)~~ After the case plan has been developed, the  
501 department shall adhere to the following procedural  
502 requirements:

503 (a) If the parent's substantial compliance with the case  
504 plan requires the department to provide services to the parents  
505 or the child and the parents agree to begin compliance with the  
506 case plan before the case plan's acceptance by the court, the  
507 department shall make the appropriate referrals for services  
508 that will allow the parents to begin the agreed-upon tasks and  
509 services immediately.

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

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

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

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

528           3. After jurisdiction attaches, all case plans must be  
529 filed with the court, and a copy provided to all the parties  
530 whose whereabouts are known, not less than 3 business days  
531 before the disposition hearing. The department shall file with  
532 the court, and provide copies to the parties, all case plans  
533 prepared before jurisdiction of the court attached.

534           Section 9. Paragraph (b) of subsection (1) of section  
535 39.6012, Florida Statutes, is amended, and subsection (4) is  
536 added to that section, to read:

537           39.6012 Case plan tasks; services.—

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

540           (b) The case plan must describe each of the tasks with  
541 which the parent must comply and the services to be provided to  
542 the parent, specifically addressing the identified problem,  
543 including:

544           1. The type of services or treatment.

545           2. The date the department will provide each service or  
546 referral for the service if the service is being provided by the  
547 department or its agent.

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

549           4. The frequency of services or treatment provided. The  
550 frequency of the delivery of services or treatment provided  
551 shall be determined by the professionals providing the services

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552 or treatment on a case-by-case basis and adjusted according to  
553 their best professional judgment.

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

555 6. The staff of the department or service provider  
556 accountable for the services or treatment.

557 7. A description of the measurable objectives, including  
558 the timeframes specified for achieving the objectives of the  
559 case plan and addressing the identified problem.

560 8. Strategies to overcome barriers to case plan compliance,  
561 including, but not limited to, the provision of contact  
562 information, information on acceptable alternative services or  
563 providers, and an explanation that the parent must notify the  
564 parties within a reasonable time of discovering a barrier that  
565 the parties are not actively working to overcome.

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

568 39.6013 Case plan amendments.—

569 (7) Amendments must include service interventions that are  
570 the least intrusive into the life of the parent and child, must  
571 focus on clearly defined objectives, and must provide the most  
572 efficient path to quick reunification or permanent placement  
573 given the circumstances of the case and the child's need for  
574 safe and proper care. A copy of the amended plan must be  
575 immediately given to the persons identified in s. 39.6011(7)(c)  
576 ~~s. 39.6011(6)(b)~~.

577 Section 11. Present subsections (7) through (10) of section  
578 39.621, Florida Statutes, are redesignated as subsections (8)  
579 through (11), respectively, subsection (5) and present  
580 subsections (9), (10), and (11) are amended, and a new

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581 subsection (7) is added to that section, to read:

582 39.621 Permanency determination by the court.—

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

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

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

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

590 (7) If the court determines that the child's goal is  
591 appropriate but the child will be in out-of-home care for more  
592 than 12 months before achieving permanency, in those cases where  
593 the goal is reunification or adoption, the court shall hold  
594 permanency status hearings for the child every 60 days until the  
595 child reaches permanency or the court makes a determination that  
596 it is in the child's best interest to change the permanency  
597 goal.

598 ~~(10)~~~~(9)~~ The case plan must list the tasks necessary to  
599 finalize the permanency placement and shall be updated at the  
600 permanency hearing unless the child will achieve permanency  
601 within 60 days after the hearing ~~if necessary~~. If a concurrent  
602 case plan is in place, the court may choose between the  
603 permanency goal options presented and shall approve the goal  
604 that is in the child's best interest.

605 ~~(11)~~~~(10)~~ The permanency placement is intended to continue  
606 until the child reaches the age of majority and may not be  
607 disturbed absent a finding by the court that the circumstances  
608 of the permanency placement are no longer in the best interest  
609 of the child.

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610       (a) If, after a child has achieved the permanency placement  
611 approved at the permanency hearing, a parent who has not had his  
612 or her parental rights terminated makes a motion for  
613 reunification or increased contact with the child, the court  
614 shall hold a hearing to determine whether the dependency case  
615 should be reopened and whether there should be a modification of  
616 the order.

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

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

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

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

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

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

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

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

636       Section 12. Paragraph (d) of subsection (2) of section  
637 39.701, Florida Statutes, is amended to read:

638       39.701 Judicial review.—

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639 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
640 AGE.—

641 (d) *Orders.*—

642 1. Based upon the criteria set forth in paragraph (c) and  
643 the recommended order of the citizen review panel, if any, the  
644 court shall determine whether or not the social service agency  
645 shall initiate proceedings to have a child declared a dependent  
646 child, return the child to the parent, continue the child in  
647 out-of-home care for a specified period of time, or initiate  
648 termination of parental rights proceedings for subsequent  
649 placement in an adoptive home. Amendments to the case plan must  
650 be prepared as prescribed in s. 39.6013. If the court finds that  
651 the prevention or reunification efforts of the department will  
652 allow the child to remain safely at home or be safely returned  
653 to the home, the court shall allow the child to remain in or  
654 return to the home after making a specific finding of fact that  
655 the reasons for the creation of the case plan have been remedied  
656 to the extent that the child's safety, well-being, and physical,  
657 mental, and emotional health will not be endangered.

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

663 3. If, in the opinion of the court, the social service  
664 agency has not complied with its obligations as specified in the  
665 written case plan, the court may find the social service agency  
666 in contempt, shall order the social service agency to submit its  
667 plans for compliance with the agreement, and shall require the

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668 social service agency to show why the child could not safely be  
669 returned to the home of the parents.

670 4. If, at any judicial review, the court finds that the  
671 parents have failed to substantially comply with the case plan  
672 to the degree that further reunification efforts are without  
673 merit and not in the best interest of the child, on its own  
674 motion, the court may order the filing of a petition for  
675 termination of parental rights, whether or not the time period  
676 as contained in the case plan for substantial compliance has  
677 expired.

678 5. Within 6 months after the date that the child was placed  
679 in shelter care, the court shall conduct a judicial review  
680 hearing to review the child's permanency goal as identified in  
681 the case plan. At the hearing the court shall make written  
682 findings regarding the likelihood of the child's reunification  
683 with the parent or legal custodian within 12 months after the  
684 removal of the child from the home. If the court makes a written  
685 finding that it is not likely that the child will be reunified  
686 with the parent or legal custodian within 12 months after the  
687 child was removed from the home, the department must file with  
688 the court, and serve on all parties, a motion to amend the case  
689 plan under s. 39.6013 and declare that it will use concurrent  
690 planning for the case plan. The department must file the motion  
691 within 10 business days after receiving the written finding of  
692 the court. The department must attach the proposed amended case  
693 plan to the motion. If concurrent planning is already being  
694 used, the department must file with the court, and serve on all  
695 parties, a motion to amend the case plan to reflect the  
696 concurrent goal as the child's primary permanency goal, document



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697 the efforts the department is taking to complete the concurrent  
698 goal, and identify any additional services needed to reach the  
699 permanency goal by a date certain. The court may allow the  
700 parties to continue to pursue a secondary goal if the court  
701 determines that is in the best interest of the child ~~case plan~~  
702 ~~must document the efforts the department is taking to complete~~  
703 ~~the concurrent goal.~~

704 6. The court may issue a protective order in assistance, or  
705 as a condition, of any other order made under this part. In  
706 addition to the requirements included in the case plan, the  
707 protective order may set forth requirements relating to  
708 reasonable conditions of behavior to be observed for a specified  
709 period of time by a person or agency who is before the court;  
710 and the order may require any person or agency to make periodic  
711 reports to the court containing such information as the court in  
712 its discretion may prescribe.

713 Section 13. Paragraph (e) of subsection (1) of section  
714 39.806, Florida Statutes, is amended to read:

715 39.806 Grounds for termination of parental rights.—

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

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

720 1. The child continues to be abused, neglected, or  
721 abandoned by the parent or parents. The failure of the parent or  
722 parents to substantially comply with the case plan for a period  
723 of 12 months after an adjudication of the child as a dependent  
724 child or the child's placement into shelter care, whichever  
725 occurs first, constitutes evidence of continuing abuse, neglect,

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726 or abandonment unless the failure to substantially comply with  
727 the case plan was due to the parent's lack of financial  
728 resources or to the failure of the department to make reasonable  
729 efforts to reunify the parent and child. The 12-month period  
730 begins to run only after the child's placement into shelter care  
731 or the entry of a disposition order placing the custody of the  
732 child with the department or a person other than the parent and  
733 the court's approval of a case plan having the goal of  
734 reunification with the parent, whichever occurs first; or

735         2. The parent or parents have materially breached the case  
736 plan by their action or inaction. Time is of the essence for  
737 permanency of children in the dependency system. In order to  
738 prove the parent or parents have materially breached the case  
739 plan, the court must find by clear and convincing evidence that  
740 the parent or parents are unlikely or unable to substantially  
741 comply with the case plan before time to comply with the case  
742 plan expires.

743         3. The child has been in care for any 12 of the last 22  
744 months and the parents have not substantially complied with the  
745 case plan so as to permit reunification under s. 39.522(2)  
746 unless the failure to substantially comply with the case plan  
747 was due to the parent's lack of financial resources or to the  
748 failure of the department to make reasonable efforts to reunify  
749 the parent and child.

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

752         39.811 Powers of disposition; order of disposition.—

753         (5) If the court terminates parental rights, the court  
754 shall enter a written order of disposition within 30 days after

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755 conclusion of the hearing briefly stating the facts upon which  
756 its decision to terminate the parental rights is made. An order  
757 of termination of parental rights, whether based on parental  
758 consent or after notice served as prescribed in this part,  
759 permanently deprives the parents of any right to the child.

760 Section 15. This act shall take effect July 1, 2018.