

**By** the Committees on Rules; Governmental Oversight and Accountability; and Children, Families, and Elder Affairs; and Senators Montford and Book

595-03553-18

20181650c3

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. 39.01, F.S.;  
7       expanding the definition of the term "harm" to  
8       encompass infants born under certain circumstances;  
9       amending s. 39.0136, F.S.; requiring cooperation  
10      between certain parties and the court to achieve  
11      permanency for a child in a timely manner; requiring  
12      certain court orders to specify certain deadlines;  
13      amending s. 39.402, F.S.; providing that time  
14      limitations governing placement of a child in a  
15      shelter do not include continuances requested by the  
16      court; providing limitations on continuances;  
17      providing requirements for parents to achieve  
18      reunification with the child; amending s. 39.507,  
19      F.S.; requiring the court to advise the parents during  
20      an adjudicatory hearing of certain actions that are  
21      required to achieve reunification; amending s. 39.521,  
22      F.S.; requiring the department to provide copies of  
23      the family functioning assessment to certain persons;  
24      amending s. 39.522, F.S.; providing conditions for the  
25      court to consider the continuity of the child's  
26      placement in the same out-of-home residence before the  
27      permanency placement is approved in a postdisposition  
28      proceeding to modify custody; amending s. 39.6011,  
29      F.S.; requiring a case plan for a child receiving

595-03553-18

20181650c3

30 services from the department to include a protocol for  
31 parents to achieve reunification with the child;  
32 providing that certain action or inaction by a parent  
33 may result in termination of parental rights;  
34 requiring the department to provide certain  
35 information to a parent before signing a case plan;  
36 providing a timeframe for referral for services;  
37 amending s. 39.6012, F.S.; requiring a case plan to  
38 contain certain information; requiring parents or  
39 legal guardians to provide certain information to the  
40 department or contracted case management agency and to  
41 update the information as appropriate; requiring the  
42 parents or legal guardians to make proactive contact  
43 with the department or contracted case management  
44 agency; amending s. 39.6013, F.S.; requiring the court  
45 to consider certain factors when determining whether  
46 to amend a case plan; conforming a cross-reference;  
47 amending s. 39.621, F.S.; requiring the court to  
48 determine certain factors at a permanency hearing;  
49 requiring the court to hold permanency hearings within  
50 specified timeframes until permanency is determined;  
51 amending s. 39.701, F.S.; revising the findings a  
52 court must make at a judicial review hearing relating  
53 to a child's permanency goal; requiring the department  
54 to file a motion to amend a case plan when concurrent  
55 planning is used, under certain circumstances;  
56 amending s. 39.806, F.S.; specifying that a parent or  
57 parents may materially breach a case plan by action or  
58 inaction; amending s. 39.811, F.S.; requiring the

595-03553-18

20181650c3

59 court to enter a written order of disposition of the  
60 child following termination of parental rights within  
61 a specified timeframe; providing an effective date.  
62

63 Be It Enacted by the Legislature of the State of Florida:  
64

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

69 39.001 Purposes and intent; personnel standards and  
70 screening.—

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

72 (q) To recognize the responsibility of:

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

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

82 3. The court to affirmatively determine what the barriers  
83 are to timely reunification, and address such barriers as  
84 frequently as needed to ensure compliance with the time  
85 limitations established in this chapter.

86 (3) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of  
87 the Legislature that the children of this state be provided with

595-03553-18

20181650c3

88 the following protections:

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

92 (7) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—  
93 Parents, custodians, and guardians are deemed by the state to be  
94 responsible for providing their children with sufficient  
95 support, guidance, and supervision. The state further recognizes  
96 that the ability of parents, custodians, and guardians to  
97 fulfill those responsibilities can be greatly impaired by  
98 economic, social, behavioral, emotional, and related problems.  
99 It is therefore the policy of the Legislature that it is the  
100 state's responsibility to ensure that factors impeding the  
101 ability of caregivers to fulfill their responsibilities are  
102 identified through the dependency process and that appropriate  
103 recommendations and services to address those problems are  
104 considered in any judicial or nonjudicial proceeding. The  
105 Legislature also recognizes that time is of the essence for  
106 establishing permanency for a child in the dependency system.  
107 Therefore, parents must take action to comply with the case plan  
108 so reunification with the child may occur within the shortest  
109 period of time possible, but not more than 1 year after removal  
110 or adjudication of the child, including by notifying the parties  
111 and the court of barriers to case plan compliance.

112 Section 2. Subsection (30) of section 39.01, Florida  
113 Statutes, is amended to read:

114 39.01 Definitions.—When used in this chapter, unless the  
115 context otherwise requires:

116 (30) "Harm" to a child's health or welfare can occur when

595-03553-18

20181650c3

117 any person:

118 (a) Inflicts or allows to be inflicted upon the child  
119 physical, mental, or emotional injury. In determining whether  
120 harm has occurred, the following factors must be considered in  
121 evaluating any physical, mental, or emotional injury to a child:  
122 the age of the child; any prior history of injuries to the  
123 child; the location of the injury on the body of the child; the  
124 multiplicity of the injury; and the type of trauma inflicted.  
125 Such injury includes, but is not limited to:

- 126 1. Willful acts that produce the following specific  
127 injuries:
- 128 a. Sprains, dislocations, or cartilage damage.
  - 129 b. Bone or skull fractures.
  - 130 c. Brain or spinal cord damage.
  - 131 d. Intracranial hemorrhage or injury to other internal  
132 organs.
  - 133 e. Asphyxiation, suffocation, or drowning.
  - 134 f. Injury resulting from the use of a deadly weapon.
  - 135 g. Burns or scalding.
  - 136 h. Cuts, lacerations, punctures, or bites.
  - 137 i. Permanent or temporary disfigurement.
  - 138 j. Permanent or temporary loss or impairment of a body part  
139 or function.

140

141 As used in this subparagraph, the term "willful" refers to the  
142 intent to perform an action, not to the intent to achieve a  
143 result or to cause an injury.

144 2. Purposely giving a child poison, alcohol, drugs, or  
145 other substances that substantially affect the child's behavior,

595-03553-18

20181650c3

146 motor coordination, or judgment or that result in sickness or  
147 internal injury. For the purposes of this subparagraph, the term  
148 "drugs" means prescription drugs not prescribed for the child or  
149 not administered as prescribed, and controlled substances as  
150 outlined in Schedule I or Schedule II of s. 893.03.

151 3. Leaving a child without adult supervision or arrangement  
152 appropriate for the child's age or mental or physical condition,  
153 so that the child is unable to care for the child's own needs or  
154 another's basic needs or is unable to exercise good judgment in  
155 responding to any kind of physical or emotional crisis.

156 4. Inappropriate or excessively harsh disciplinary action  
157 that is likely to result in physical injury, mental injury as  
158 defined in this section, or emotional injury. The significance  
159 of any injury must be evaluated in light of the following  
160 factors: the age of the child; any prior history of injuries to  
161 the child; the location of the injury on the body of the child;  
162 the multiplicity of the injury; and the type of trauma  
163 inflicted. Corporal discipline may be considered excessive or  
164 abusive when it results in any of the following or other similar  
165 injuries:

- 166 a. Sprains, dislocations, or cartilage damage.  
167 b. Bone or skull fractures.  
168 c. Brain or spinal cord damage.  
169 d. Intracranial hemorrhage or injury to other internal  
170 organs.  
171 e. Asphyxiation, suffocation, or drowning.  
172 f. Injury resulting from the use of a deadly weapon.  
173 g. Burns or scalding.  
174 h. Cuts, lacerations, punctures, or bites.

595-03553-18

20181650c3

- 175 i. Permanent or temporary disfigurement.
- 176 j. Permanent or temporary loss or impairment of a body part  
177 or function.
- 178 k. Significant bruises or welts.
- 179 (b) Commits, or allows to be committed, sexual battery, as  
180 defined in chapter 794, or lewd or lascivious acts, as defined  
181 in chapter 800, against the child.
- 182 (c) Allows, encourages, or forces the sexual exploitation  
183 of a child, which includes allowing, encouraging, or forcing a  
184 child to:
- 185 1. Solicit for or engage in prostitution; or
  - 186 2. Engage in a sexual performance, as defined by chapter  
187 827.
- 188 (d) Exploits a child, or allows a child to be exploited, as  
189 provided in s. 450.151.
- 190 (e) Abandons the child. Within the context of the  
191 definition of "harm," the term "abandoned the child" or  
192 "abandonment of the child" means a situation in which the parent  
193 or legal custodian of a child or, in the absence of a parent or  
194 legal custodian, the caregiver, while being able, has made no  
195 significant contribution to the child's care and maintenance or  
196 has failed to establish or maintain a substantial and positive  
197 relationship with the child, or both. For purposes of this  
198 paragraph, "establish or maintain a substantial and positive  
199 relationship" includes, but is not limited to, frequent and  
200 regular contact with the child through frequent and regular  
201 visitation or frequent and regular communication to or with the  
202 child, and the exercise of parental rights and responsibilities.  
203 Marginal efforts and incidental or token visits or

595-03553-18

20181650c3

204 communications are not sufficient to establish or maintain a  
205 substantial and positive relationship with a child. The term  
206 "abandoned" does not include a surrendered newborn infant as  
207 described in s. 383.50, a child in need of services as defined  
208 in chapter 984, or a family in need of services as defined in  
209 chapter 984. The incarceration, repeated incarceration, or  
210 extended incarceration of a parent, legal custodian, or  
211 caregiver responsible for a child's welfare may support a  
212 finding of abandonment.

213 (f) Neglects the child. Within the context of the  
214 definition of "harm," the term "neglects the child" means that  
215 the parent or other person responsible for the child's welfare  
216 fails to supply the child with adequate food, clothing, shelter,  
217 or health care, although financially able to do so or although  
218 offered financial or other means to do so. However, a parent or  
219 legal custodian who, by reason of the legitimate practice of  
220 religious beliefs, does not provide specified medical treatment  
221 for a child may not be considered abusive or neglectful for that  
222 reason alone, but such an exception does not:

223 1. Eliminate the requirement that such a case be reported  
224 to the department;

225 2. Prevent the department from investigating such a case;  
226 or

227 3. Preclude a court from ordering, when the health of the  
228 child requires it, the provision of medical services by a  
229 physician, as defined in this section, or treatment by a duly  
230 accredited practitioner who relies solely on spiritual means for  
231 healing in accordance with the tenets and practices of a well-  
232 recognized church or religious organization.



595-03553-18

20181650c3

233 (g) Exposes a child to a controlled substance or alcohol.  
234 Exposure to a controlled substance or alcohol is established by:

235 1. A test, administered at birth, which indicated that the  
236 child's blood, urine, or meconium contained any amount of  
237 alcohol or a controlled substance or metabolites of such  
238 substances, the presence of which was not the result of medical  
239 treatment administered to the mother or the newborn infant; or

240 2. Evidence of extensive, abusive, and chronic use of a  
241 controlled substance or alcohol by a parent when the child is  
242 demonstrably adversely affected by such usage.

243

244 As used in this paragraph, the term "controlled substance" means  
245 prescription drugs not prescribed for the parent or not  
246 administered as prescribed and controlled substances as outlined  
247 in Schedule I or Schedule II of s. 893.03.

248 (h) Uses mechanical devices, unreasonable restraints, or  
249 extended periods of isolation to control a child.

250 (i) Engages in violent behavior that demonstrates a wanton  
251 disregard for the presence of a child and could reasonably  
252 result in serious injury to the child.

253 (j) Negligently fails to protect a child in his or her care  
254 from inflicted physical, mental, or sexual injury caused by the  
255 acts of another.

256 (k) Has allowed a child's sibling to die as a result of  
257 abuse, abandonment, or neglect.

258 (l) Makes the child unavailable for the purpose of impeding  
259 or avoiding a protective investigation unless the court  
260 determines that the parent, legal custodian, or caregiver was  
261 fleeing from a situation involving domestic violence.

595-03553-18

20181650c3

262

263 Harm to a child's health or welfare can also occur when a new  
264 child is born into the family during the course of an open  
265 dependency case where a parent or caregiver has been determined  
266 to not have protective capacity to safely care for the children  
267 in the home and has not substantially complied with the case  
268 plan toward successful reunification or met conditions for  
269 return of the children into the home.

270 Section 3. Section 39.0136, Florida Statutes, is amended to  
271 read:

272 39.0136 Time limitations; continuances.—

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

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

282 (b) The department shall ensure that parents have the  
283 information necessary to contact their caseworker. When a new  
284 caseworker is assigned to a case, the caseworker shall make a  
285 timely and diligent effort to notify the parent and provide  
286 updated contact information.

287 (3) ~~(2)~~ The time limitations in this chapter do not include:

288 (a) Periods of delay resulting from a continuance granted  
289 at the request of the child's counsel or the child's guardian ad  
290 litem or, if the child is of sufficient capacity to express

595-03553-18

20181650c3

291 reasonable consent, at the request or with the consent of the  
292 child. The court must consider the best interests of the child  
293 when determining periods of delay under this section.

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

296 1. Because of an unavailability of evidence that is  
297 material to the case if the requesting party has exercised due  
298 diligence to obtain evidence and there are substantial grounds  
299 to believe that the evidence will be available within 30 days.  
300 However, if the requesting party is not prepared to proceed  
301 within 30 days, any other party may move for issuance of an  
302 order to show cause or the court on its own motion may impose  
303 appropriate sanctions, which may include dismissal of the  
304 petition.

305 2. To allow the requesting party additional time to prepare  
306 the case and additional time is justified because of an  
307 exceptional circumstance.

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

312 (4)~~(3)~~ Notwithstanding subsection (3) ~~(2)~~, in order to  
313 expedite permanency for a child, the total time allowed for  
314 continuances or extensions of time, including continuances or  
315 extensions by the court on its own motion, may not exceed 60  
316 days within any 12-month period for proceedings conducted under  
317 this chapter.

318 (a) A continuance or extension of time may be granted only  
319 for extraordinary circumstances in which it is necessary to

595-03553-18

20181650c3

320 preserve the constitutional rights of a party or if substantial  
321 evidence exists to demonstrate that without granting a  
322 continuance or extension of time the child's best interests will  
323 be harmed.

324 (b) An order entered under this section shall specify the  
325 new date for the continued hearing or deadline.

326 (5)~~(4)~~ Notwithstanding subsection (3) ~~(2)~~, a continuance or  
327 an extension of time is limited to the number of days absolutely  
328 necessary to complete a necessary task in order to preserve the  
329 rights of a party or the best interests of a child.

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

333 39.402 Placement in a shelter.—

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

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

346 (15) The department, at the conclusion of the shelter  
347 hearing, shall make available to parents or legal custodians  
348 seeking voluntary services, any referral information necessary

595-03553-18

20181650c3

349 for participation in such identified services to allow the  
350 parents to begin the services immediately. The parents' or legal  
351 custodians' participation in the services shall not be  
352 considered an admission or other acknowledgment of the  
353 allegations in the shelter petition.

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

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

361 (b) Parents must stay in contact with their attorney and  
362 their caseworker. If the parents' phone number, mailing address,  
363 or e-mail address changes, the parents must provide the attorney  
364 and caseworker with updated contact information.

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

595-03553-18

20181650c3

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:7

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. If the parents' phone number, mailing address,  
388 or e-mail address changes, the parents must provide the attorney  
389 and caseworker with updated contact information.

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

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

398 Section 6. Paragraph (a) of subsection (1) of section  
399 39.521, Florida Statutes, is amended to read:

400 39.521 Disposition hearings; powers of disposition.—

401 (1) A disposition hearing shall be conducted by the court,  
402 if the court finds that the facts alleged in the petition for  
403 dependency were proven in the adjudicatory hearing, or if the  
404 parents or legal custodians have consented to the finding of  
405 dependency or admitted the allegations in the petition, have  
406 failed to appear for the arraignment hearing after proper

595-03553-18

20181650c3

407 notice, or have not been located despite a diligent search  
408 having been conducted.

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

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

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

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

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

435 (1) At any time before a child achieves the permanency

595-03553-18

20181650c3

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

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

462 39.6011 Case plan development.—

463 (2) The case plan must be written simply and clearly in  
464 English and, if English is not the principal language of the



595-03553-18

20181650c3

465 child's parent, to the extent possible in the parent's principal  
466 language. Each case plan must contain:

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

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

491 (4) Before signing the case plan, the department shall  
492 explain the provisions of the plan to all persons involved in  
493 its implementation, including, when appropriate, the child. The

595-03553-18

20181650c3

494 department shall ensure that the parent has contact information  
495 for all entities necessary to complete the tasks in the plan.  
496 The department shall explain the strategies included in the plan  
497 that the parent can use to overcome barriers to case plan  
498 compliance and that if a barrier is discovered and the parties  
499 are not actively working to overcome such barrier, the parent  
500 must notify the parties and the court within a reasonable time  
501 after discovering such barrier.

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

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

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

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

521 1. A case plan must be prepared, but need not be submitted  
522 to the court, for a child who will be in care no longer than 30

595-03553-18

20181650c3

523 days unless that child is placed in out-of-home care a second  
524 time within a 12-month period.

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

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

536 Section 9. Paragraph (b) of subsection (1) of section  
537 39.6012, Florida Statutes, is amended, and paragraph (d) is  
538 added to subsection (1) of that section, to read:

539 39.6012 Case plan tasks; services.—

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

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

546 1. The type of services or treatment.

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

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

551 4. The frequency of services or treatment provided. The

595-03553-18

20181650c3

552 frequency of the delivery of services or treatment provided  
553 shall be determined by the professionals providing the services  
554 or treatment on a case-by-case basis and adjusted according to  
555 their best professional judgment.

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

557 6. The staff of the department or service provider  
558 accountable for the services or treatment.

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

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

568 (d) Parents must provide accurate contact information to  
569 the department or the contracted case management agency and  
570 update such information as appropriate. Parents must make  
571 proactive contact with the department or the contracted case  
572 management agency at least every 14 calendar days to provide  
573 information on the status of case plan task completion, barriers  
574 to completion, and plans toward reunification.

575 Section 10. Present subsection (6) of section 39.6013,  
576 Florida Statutes, is redesignated as subsection (7), a new  
577 subsection (6) is added to that section, and present subsection  
578 (7) is amended, to read:

579 39.6013 Case plan amendments.—

580 (6) When determining whether to amend the case plan, the

595-03553-18

20181650c3

581 court must consider the length of time the case has been open,  
582 level of parental engagement to date, number of case plan tasks  
583 complied with, child's type of placement and attachment, and  
584 potential for successful reunification.

585 (8)~~(7)~~ Amendments must include service interventions that  
586 are the least intrusive into the life of the parent and child,  
587 must focus on clearly defined objectives, and must provide the  
588 most efficient path to quick reunification or permanent  
589 placement given the circumstances of the case and the child's  
590 need for safe and proper care. A copy of the amended plan must  
591 be immediately given to the persons identified in s.  
592 39.6011(7)(c) ~~s. 39.6011(6)(b)~~.

593 Section 11. Present subsections (7) through (10) of section  
594 39.621, Florida Statutes, are redesignated as subsections (8)  
595 through (11), respectively, subsection (5) and present  
596 subsections (9), (10), and (11) are amended, and a new  
597 subsection (7) is added to that section, to read:

598 39.621 Permanency determination by the court.—

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

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

602 (b) When the child will achieve one of the permanency  
603 goals; ~~and~~

604 (c) Whether the department has made reasonable efforts to  
605 finalize the permanency plan currently in effect; ~~and~~—

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

609 (7) If the court determines that the child's goal is

595-03553-18

20181650c3

610 appropriate but the child will be in out-of-home care for more  
611 than 12 months before achieving permanency, in those cases where  
612 the goal is reunification or adoption, the court shall hold  
613 permanency status hearings for the child every 60 days until the  
614 child reaches permanency or the court makes a determination that  
615 it is in the child's best interest to change the permanency  
616 goal.

617 (10)~~(9)~~ The case plan must list the tasks necessary to  
618 finalize the permanency placement and shall be updated at the  
619 permanency hearing unless the child will achieve permanency  
620 within 60 days after the hearing ~~if necessary~~. If a concurrent  
621 case plan is in place, the court may choose between the  
622 permanency goal options presented and shall approve the goal  
623 that is in the child's best interest.

624 (11)~~(10)~~ The permanency placement is intended to continue  
625 until the child reaches the age of majority and may not be  
626 disturbed absent a finding by the court that the circumstances  
627 of the permanency placement are no longer in the best interest  
628 of the child.

629 (a) If, after a child has achieved the permanency placement  
630 approved at the permanency hearing, a parent who has not had his  
631 or her parental rights terminated makes a motion for  
632 reunification or increased contact with the child, the court  
633 shall hold a hearing to determine whether the dependency case  
634 should be reopened and whether there should be a modification of  
635 the order.

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

595-03553-18

20181650c3

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

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

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

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

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

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

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

655        Section 12. Paragraph (d) of subsection (2) of section  
656 39.701, Florida Statutes, is amended to read:

657        39.701 Judicial review.—

658        (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
659 AGE.—

660        (d) *Orders*.—

661        1. Based upon the criteria set forth in paragraph (c) and  
662 the recommended order of the citizen review panel, if any, the  
663 court shall determine whether or not the social service agency  
664 shall initiate proceedings to have a child declared a dependent  
665 child, return the child to the parent, continue the child in  
666 out-of-home care for a specified period of time, or initiate  
667 termination of parental rights proceedings for subsequent

595-03553-18

20181650c3

668 placement in an adoptive home. Amendments to the case plan must  
669 be prepared as prescribed in s. 39.6013. If the court finds that  
670 the prevention or reunification efforts of the department will  
671 allow the child to remain safely at home or be safely returned  
672 to the home, the court shall allow the child to remain in or  
673 return to the home after making a specific finding of fact that  
674 the reasons for the creation of the case plan have been remedied  
675 to the extent that the child's safety, well-being, and physical,  
676 mental, and emotional health will not be endangered.

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

682 3. If, in the opinion of the court, the social service  
683 agency has not complied with its obligations as specified in the  
684 written case plan, the court may find the social service agency  
685 in contempt, shall order the social service agency to submit its  
686 plans for compliance with the agreement, and shall require the  
687 social service agency to show why the child could not safely be  
688 returned to the home of the parents.

689 4. If, at any judicial review, the court finds that the  
690 parents have failed to substantially comply with the case plan  
691 to the degree that further reunification efforts are without  
692 merit and not in the best interest of the child, on its own  
693 motion, the court may order the filing of a petition for  
694 termination of parental rights, whether or not the time period  
695 as contained in the case plan for substantial compliance has  
696 expired.



595-03553-18

20181650c3

697           5. Within 6 months after the date that the child was placed  
698 in shelter care, the court shall conduct a judicial review  
699 hearing to review the child's permanency goal as identified in  
700 the case plan. At the hearing the court shall make written  
701 findings regarding the parent or legal guardian's compliance  
702 with the case plan and demonstrable change in parental capacity  
703 to achieve timely reunification ~~likelihood of the child's~~  
704 ~~reunification with the parent or legal custodian~~ within 12  
705 months after the removal of the child from the home. The court  
706 shall consider the frequency, duration, manner, and level of  
707 engagement of the parent or legal custodian's visitation with  
708 the child in compliance with the case plan. If the court makes a  
709 written finding that it is not likely that the child will be  
710 reunified with the parent or legal custodian within 12 months  
711 after the child was removed from the home, the department must  
712 file with the court, and serve on all parties, a motion to amend  
713 the case plan under s. 39.6013 and declare that it will use  
714 concurrent planning for the case plan. The department must file  
715 the motion within 10 business days after receiving the written  
716 finding of the court. The department must attach the proposed  
717 amended case plan to the motion. If concurrent planning is  
718 already being used, the department must file with the court, and  
719 serve on all parties, a motion to amend the case plan to reflect  
720 the concurrent goal as the child's primary permanency goal,  
721 document the efforts the department is taking to complete the  
722 concurrent goal, and identify any additional services needed to  
723 reach the permanency goal by a date certain. The court may allow  
724 the parties to continue to pursue a secondary goal if the court  
725 determines that is in the best interest of the child ~~case plan~~

595-03553-18

20181650c3

726 ~~must document the efforts the department is taking to complete~~  
727 ~~the concurrent goal.~~

728         6. The court may issue a protective order in assistance, or  
729 as a condition, of any other order made under this part. In  
730 addition to the requirements included in the case plan, the  
731 protective order may set forth requirements relating to  
732 reasonable conditions of behavior to be observed for a specified  
733 period of time by a person or agency who is before the court;  
734 and the order may require any person or agency to make periodic  
735 reports to the court containing such information as the court in  
736 its discretion may prescribe.

737         Section 13. Paragraph (e) of subsection (1) of section  
738 39.806, Florida Statutes, is amended to read:

739         39.806 Grounds for termination of parental rights.—

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

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

744         1. The child continues to be abused, neglected, or  
745 abandoned by the parent or parents. The failure of the parent or  
746 parents to substantially comply with the case plan for a period  
747 of 12 months after an adjudication of the child as a dependent  
748 child or the child's placement into shelter care, whichever  
749 occurs first, constitutes evidence of continuing abuse, neglect,  
750 or abandonment unless the failure to substantially comply with  
751 the case plan was due to the parent's lack of financial  
752 resources or to the failure of the department to make reasonable  
753 efforts to reunify the parent and child. The 12-month period  
754 begins to run only after the child's placement into shelter care

595-03553-18

20181650c3

755 or the entry of a disposition order placing the custody of the  
756 child with the department or a person other than the parent and  
757 the court's approval of a case plan having the goal of  
758 reunification with the parent, whichever occurs first; or

759 2. The parent or parents have materially breached the case  
760 plan by their action or inaction. Time is of the essence for  
761 permanency of children in the dependency system. In order to  
762 prove the parent or parents have materially breached the case  
763 plan, the court must find by clear and convincing evidence that  
764 the parent or parents are unlikely or unable to substantially  
765 comply with the case plan before time to comply with the case  
766 plan expires.

767 3. The child has been in care for any 12 of the last 22  
768 months and the parents have not substantially complied with the  
769 case plan so as to permit reunification under s. 39.522(2)  
770 unless the failure to substantially comply with the case plan  
771 was due to the parent's lack of financial resources or to the  
772 failure of the department to make reasonable efforts to reunify  
773 the parent and child.

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

776 39.811 Powers of disposition; order of disposition.—

777 (5) If the court terminates parental rights, the court  
778 shall enter a written order of disposition within 30 days after  
779 conclusion of the hearing briefly stating the facts upon which  
780 its decision to terminate the parental rights is made. An order  
781 of termination of parental rights, whether based on parental  
782 consent or after notice served as prescribed in this part,  
783 permanently deprives the parents of any right to the child.

595-03553-18

20181650c3

784

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