

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 505 Dependency Proceedings

SPONSOR(S): Children, Families & Seniors Subcommittee; Civil Justice & Claims Subcommittee; Roth

TIED BILLS: None **IDEN./SIM. BILLS:** SB 774

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice & Claims Subcommittee	13 Y, 0 N, As CS	Tuszynski	Bond
2) Children, Families & Seniors Subcommittee	10 Y, 0 N, As CS	Gilani	Brazzell
3) Judiciary Committee			

SUMMARY ANALYSIS

There are currently two separate procedures for identification and subsequent treatment of prospective parents and unmarried biological fathers prior to the termination of parental rights required for adoption. One is found in ch. 39, F.S., "Proceedings Relating to Children," and the other is found in ch. 63, F.S., "Adoption." The primary focus of ch. 39, F.S., is the preservation and strengthening of families, with the health and safety of children of paramount concern. By contrast, the purpose of ch. 63, F.S., is to provide stable and permanent homes for adoptive children in a prompt manner, to prevent the disruption of adoptive placements, and to hold parents accountable for meeting the needs of children. The most significant difference is in the identification and treatment of prospective parents. In ch. 39, F.S., proceedings, an identified prospective father is not required to come forward and establish his parental rights within any certain timeframe, leading to delays in achieving permanency. In ch. 63, F.S., proceedings, once a prospective father is identified he must act within a time certain to exercise his parental rights or a court can move forward with the case terminating his parental rights.

CS/HB 505 aligns procedures for identification of prospective biological parents and their subsequent treatment within ch. 39, F.S., proceedings with ch. 63, F.S., to move children toward permanency more quickly. The bill:

- Adds questions to and rewords existing questions in the inquiry courts use to identify parents to elicit more precise responses;
- Provides a process, similar to ch. 63, F.S., for an unmarried biological father to assert his parental rights and become a legal father;
- Allows a court to proceed in a child's case if an identified unmarried biological father fails to assert his rights after being individually served with an explanation of how to assert his rights; and
- Specifies that a dependency court can make a formal determination of the child's paternity within the ch. 39, F.S., proceeding.

The bill also makes several conforming cross-reference changes throughout the bill.

The bill also allows the entities conducting preliminary home studies in private adoptions pursuant to s. 63.092(3), F.S., to determine the counseling and education requirements for intended adoptive parents. The bill further requires DCF to provide the results from record checks of the intended adoptive parents in its central abuse registry directly to the entity conducting the preliminary home study.

The bill does not appear to have any fiscal impact on state or local government.

The bill is effective October 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Currently, there are two separate procedures for the termination of parental rights (TPR) required prior to the adoption of a child. One is found in ch. 39, F.S., "Proceedings Relating to Children," and the other is found in ch. 63, F.S., "Adoption." The primary focus of ch. 39, F.S., is the preservation and strengthening of families, with the health and safety of children of paramount concern.¹ A child is to be removed from parental custody only when the child's welfare cannot be adequately safeguarded without such removal.² Other permanency options are provided but only when reunification and adoption are not possible.³ By contrast, the purpose of ch. 63, F.S., is to provide stable and permanent homes for adoptive children in a prompt manner, to prevent the disruption of adoptive placements, and to hold parents accountable for meeting the needs of children.⁴ Consent to TPR is central under ch. 63, F.S., and is mandatory unless certain statutory criteria are present.⁵

HB 505 amends multiple areas of law to align the process of identifying prospective parents and establishing parentage in ch. 39, F.S. with the quicker process in ch. 63, F.S.

Child Welfare System

The child welfare system identifies families whose children are in danger of suffering or have suffered abuse, abandonment, or neglect and works with those families to address the problems that are endangering children, if possible.

Chapter 39, F.S., creates the dependency system that is charged with protecting child welfare. The Department of Children and Families (DCF) administers the state's child welfare system and works in partnership with local communities and the courts to ensure the safety, timely permanency, and well-being of children.⁶

DCF's practice model is based on the safety of the child within his or her home, using in-home services such as parenting coaching and counseling to maintain and strengthen that child's natural supports in his or her home environment. DCF contracts for case management, out-of-home care, and related services with lead agencies, also known as community-based care organizations (CBCs). The model of using CBCs to provide child welfare services is designed to increase local community ownership of service delivery and design.⁷ CBCs are responsible for providing foster care and related services.⁸ These services include, but are not limited to, counseling, domestic violence services, substance abuse services, family preservation, emergency shelter, and adoption. The CBC must give priority to services that are evidence-based and trauma informed.⁹ CBCs contract with a number of subcontractors for case management and direct care services to children and their families.¹⁰ There are 17 CBCs statewide, which together serve the state's 20 judicial circuits.¹¹

¹ S. 39.001(1), F.S.

² S. 39.001(1)(f), F.S.

³ S. 39.001(1)(j), F.S.

⁴ S. 63.022(1)(a), F.S.

⁵ S. 63.062, F.S.

⁶ s. 39.001(4), F.S.

⁷ THE DEPARTMENT OF CHILDREN AND FAMILIES, *Community-Based Care*, <http://www.myflfamilies.com/service-programs/community-based-care> (last visited Jan. 21, 2018).

⁸ Id.

⁹ s. 409.988(3), F.S.

¹⁰ *Supra* note 7.

¹¹ THE DEPARTMENT OF CHILDREN AND FAMILIES, *Community Based Care Lead Agency Map*, <http://www.myflfamilies.com/service-programs/community-based-care/cbc-map> (last visited Jan. 21, 2018).

However, when it is determined that a child cannot safely remain in his or her own home, DCF works, through the involvement of the dependency courts, toward guaranteeing the safety of the child out of home while providing services to reunify the child as soon as it is no longer unsafe to do so.

Ultimately, if a child's home remains unsafe and the court is unable to reunify him or her in the family home, the child welfare system may seek a permanent home for that child through the adoption process. This requires the court to terminate the parental rights of the offending parent or parents.

Termination of Parental Rights and Requirements for Reasonable Efforts

Beginning with the Adoption Assistance and Child Welfare Act of 1980,¹² federal law has required states to show that they have made "reasonable efforts" to provide assistance and services to prevent a child's removal or to reunify a child with his or her family prior to terminating parental rights. The Adoption and Safe Families Act of 1997 stated, however, that the child's health and safety are the primary concern when assessing the degree for a state to strive in making reasonable efforts.¹³ Additionally, the Adoption and Safe Families Act also states that states do not have to make reasonable efforts when a court has determined that the parent has subjected the child to aggravated circumstances as defined in state law, which definition could include but need not be limited to abandonment, torture, chronic abuse, and sexual abuse.¹⁴

Section 39.806, F.S., regarding grounds for termination of parental rights, addresses the issue of departmental reasonable efforts. That section states that the department's failure to make reasonable efforts to reunify the parent and child may excuse the parent's noncompliance with the case plan, leading to invalidate such noncompliance as grounds for a termination of his or her rights. However, the section also allows a court to exempt DCF from having to make reasonable efforts to preserve and reunify families if the parents have engaged in certain conduct, such as subjecting the child to aggravated child abuse or murdering the child's sibling; or if the court has taken certain actions, such as involuntarily terminating the parent's rights to the child's sibling. Reasonable efforts are also not required if the court determines that abandonment of a child has occurred.¹⁵ Abandonment of a child, or when the identity of location of the parent or parents is unknown and cannot be ascertained by diligent search within 60 days, is also grounds for termination of parental rights. "Abandonment" is defined as a situation in which the parent or legal custodian of a child has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both.¹⁶

Dependency Process and Timeframes

Florida law prescribes specific timeframes for the dependency process, as detailed in the following table. However, s. 39.0136, F.S., also allows for continuances to be granted. The statute limits continuances to a total of 60 days within any 12-month period and only for extraordinary circumstances involving the constitutional rights of a party or the child's best interests.

¹² Adoption Assistance and Child Welfare Act of 1980, Public L. No. 96-272, H.R. 3434, 96th Cong. (1980).

¹³ CHILD WELFARE INFORMATION GATEWAY, CHILDREN'S BUREAU, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, *Reasonable Efforts to Preserve or Reunify Families and Achieve Permanency for Children*, <https://www.childwelfare.gov/pubPDFs/reunify.pdf> (last visited Jan. 20, 2018).

¹⁴ 42 U.S.C. § 671(a)(15)(D)(i).

¹⁵ S. 39.806(2), F.S.

¹⁶ S. 39.806, F.S., uses the definition of "abandonment" in s. 39.01(1), F.S. That definition also states: "For purposes of this subsection, "establish or maintain a substantial and positive relationship" includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child. A man's acknowledgement of paternity of the child does not limit the period of time considered in determining whether the child was abandoned."

The Dependency Process

Dependency Proceeding	Description of Process	Controlling Statute
Removal	The child's home is determined to be unsafe, and the child is removed.	s. 39.401, F.S.
Shelter Hearing	A shelter hearing occurs within 24 hours after removal. The judge determines whether to keep the child out-of-home.	s. 39.401, F.S.
Petition for Dependency	A petition for dependency occurs within 21 days of the shelter hearing. This petition seeks to find the child dependent.	s. 39.501, F.S.
Arraignment Hearing and Shelter Review	An arraignment and shelter review occurs within 28 days of the shelter hearing. This allows the parent to admit, deny, or consent to the allegations within the petition for dependency and allows the court to review any shelter placement.	s. 39.506, F.S.
Adjudicatory Trial	An adjudicatory trial is held within 30 days of arraignment. The judge determines whether a child is dependent during this trial.	s. 39.507, F.S.
Disposition Hearing	If the child is found dependent, disposition occurs within 15 days of arraignment or 30 days of adjudication. The judge reviews the case plan and placement of the child. The judge orders the case plan for the family and the appropriate placement of the child.	ss. 39.506 and 39.521, F.S.
Judicial Review Hearings	The court must review the case plan and placement every 6 months, or upon motion of a party.	s. 39.701, F.S.
Petition for Termination of Parental Rights	Once the child has been out of home for 12 months, if DCF determines that reunification is no longer a viable goal, termination of parental rights is in the best interest of the child, and other requirements are met, a petition for termination of parental rights is filed.	ss. 39.802, F.S., 39.805, F.S., 39.806, F.S., and 39.810, F.S.
Advisory Hearing	This hearing is set as soon as possible after all parties have been served with the petition for termination of parental rights. The hearing allows the parent to admit, deny, or consent to the allegations within the petition for termination of parental rights.	s. 39.808, F.S.
Adjudicatory Trial	An adjudicatory trial shall be set within 45 days after the advisory hearing. The judge determines whether to terminate parental rights to the child at this trial.	s. 39.809, F.S.

Permanency Goals

During the court process, the court sets at least one permanency goal for a child; if that goal is reunification with the child's parent, it may also set a second concurrent goal to provide more options for the child.¹⁷ Section 39.01(53), F.S., defines a "permanency goal" as the living arrangement identified for the child to return to or identified as the permanent living arrangement of the child. Section 39.621(3), F.S., lists permanency goals available under this chapter, listed in order of preference, as:

- Reunification;
- Adoption, if a petition for termination of parental rights has been or will be filed;
- Permanent guardianship of a dependent child;
- Permanent placement with a fit and willing relative; and
- Placement in another planned permanent living arrangement.

¹⁷ s. 39.01(19), F.S.

The goal of maintaining and strengthening the placement with the child's parent is also an option under certain circumstances, such as when the child has been reunified with a parent but the case is still under the court's jurisdiction.

The court must hold hearings at least every 12 months to assess progress toward the child's permanency goal and can change that goal if appropriate.¹⁸

Federal Assessment of State Child Welfare Performance

The federal Department of Health and Human Services assesses the performance of states' child welfare systems on seven key measures of safety and permanency. The chart below includes these measures, the federal target, and the state's performance during the first quarter of FY 2017-18. The four of the seven measures which touch on some aspect of permanency are highlighted in the chart. Florida exceeded the federal target on two of these four permanency measures.¹⁹

Federal Measure	Statewide Performance	Federal Target
Rate of abuse per 100,000 days in foster care	10.17	8.50 or lower
Percent of children with no recurrence of maltreatment within 12 months	91.70	90.90 or higher
Percent of children existing to a permanent home within 12 months of entering care	39.20	40.50 or higher
Percent of children exiting to a permanent home within 12 months for those in care 12 to 23 months	53.10	43.60 or higher
Percent of children exiting to a permanent home within 12 months for those in care 24+ months	42.70	30.30 or higher
Percent of children who do not re-enter care within 12 months of moving to permanent home	88.10	91.70 or higher
Placement moves per 1,000 days in foster care	4.370	4.12 or lower

Additional Background and Effect of Proposed Changes

The bill adds intent language to s. 39.001, F.S., stating that parents should be engaged to the fullest extent possible in the lives of their children and that an unmarried biological father has the same rights under ch. 39, F.S., as he would under ch. 63, F.S. The bill provides that an unmarried biological father's interest is inchoate until he demonstrates a timely and full commitment to the responsibilities of parenthood and that failure to comply with the requirements of ch. 39, F.S., may result in the termination of his parental rights.

The bill defines "unmarried biological father" as the child's biological father who is not married to the child's mother at the time of conception or on the date of the birth of the child and who, before the advisory hearing is held on a petition to terminate parental rights, has not been adjudicated or declared by a court to be the legal father of the child or executed an affidavit of paternity. The bill also removes language from the definition of "parent" that conforms with the overall changes of the bill, making a person identified under oath as a prospective parent a participant in the proceeding until he or she asserts parental rights to be considered a party.

¹⁸ s. 39.621(1), F.S.

¹⁹ THE DEPARTMENT OF CHILDREN AND FAMILIES, OFFICE OF CHILD WELFARE, *Federal Indicators*, <http://www.dcf.state.fl.us/programs/childwelfare/dashboard/federal-indicators.shtml> (last visited Jan. 21, 2018).

Paternity Inquiry

Current Situation

One of the most significant differences between the statutes relate to the identification and treatment of prospective parents and unmarried biological fathers.

Chapter 39, F.S., considers a “prospective parent” any person who claims to be, or has been identified as, a person who may be the mother or father of a child.²⁰ A judge is required to conduct an inquiry if the identity or location of the father is unknown and a petition for shelter,²¹ dependency,²² or TPR²³ has been filed. The judge is required to ask whether:

- The mother of the child was married at the probable time of conception of the child or at the time of birth of the child.
- The mother was cohabiting with a man at the probable time of conception of the child.
- The mother has received payments or promises of support with respect to the child or because of her pregnancy from a man who claims to be the father.
- The mother has named any man as the father on the birth certificate of the child or in connection with applying for or receiving public assistance.
- Any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at the time of or since conception of the child, or in which the child has resided or resides.
- Any man is named on the birth certificate.
- Any man has been determined by a court order to be the father of the child.
- Any man has been determined to be the father of the child by the Department of Revenue.

The law does not specify that the inquiry should stop after an affirmative response to any particular question and provides a means for any man identified through the inquiry to become a party to the proceedings and to be treated as a parent, as follows:²⁴

"If the inquiry and diligent search identifies a prospective parent, that person must be given the opportunity to become a party to the proceedings by completing a sworn affidavit of parenthood and filing it with the court or the department. A prospective parent who files a sworn affidavit of parenthood . . . shall be considered a parent for all purposes under this section unless the other parent contests the determination of parenthood."

By contrast, ch. 63, F.S., states that the child's biological father who was not married to the child's mother at the time of conception or birth of the child “has an inchoate interest that acquires constitutional protection only when he demonstrates a timely and full commitment to the responsibilities of parenthood, both during the pregnancy and after the child's birth.”²⁵

To establish the identity of an unmarried biological father, the judge is to conduct an inquiry of the person who is placing the minor for adoption and of any relative or person having legal custody of the minor who is present at the hearing and likely to have the following information regarding the identity of any man:²⁶

- To whom the mother of the minor was married at any time when conception of the minor may have occurred or at the time of the birth of the minor;

²⁰ S. 39.01(62), F.S.

²¹ S. 39.402(8)(c)4., F.S.

²² S. 39.503(1), F.S.

²³ S. 39.803(1), F.S.

²⁴ SS. 39.503(8) and 803(8), F.S.

²⁵ SS. 63.032(19) and 63.022(1)(e), F.S.

²⁶ S. 63.088(4).

- Who has filed an affidavit of paternity pursuant to s. 382.013(2)(c), F.S., before the date that a petition for TPR is filed with the court;
- Who has adopted the minor;
- Who has been adjudicated by a court as the father of the minor child before the date a petition for TPR is filed with the court; and
- Whom the mother identified to the adoption entity as a potential biological father before the date she signed the consent for adoption.

Effect of Proposed Changes

The bill updates the court's paternity inquiry in the three places it is required in statute, ss. 39.402, 39.503, and 39.803, F.S., by changing wording that should elicit more specific responses and adding additional questions. The bill adds four additional questions from the ch. 63, F.S., paternity inquiry, seeking information regarding the identity of any man:

1. Who has filed an affidavit of paternity pursuant to s. 382.013(2)(c), F.S., before the date that a petition for TPR is filed with the court;
2. Who has adopted the minor;
3. Who has been adjudicated by a court as the father of the minor child before the date a petition for TPR is filed with the court; and
4. Whom the mother identified to the adoption entity as a potential biological father before the date she signed the consent for adoption.

Establishment of Parental Rights

Current Situation

Chapter 39, F.S., does not require the prospective father to take any action to establish parental rights or make any affirmative demonstration of the intent to parent other than to execute the affidavit of parenthood as directed by statute. There is no specific deadline to execute the affidavit of parenthood, other than the provision that it must be filed "while the child is a dependent child but no later than at the time of or prior to the adjudicatory hearing in any termination of parental rights proceeding for the child."²⁷ This means that a prospective father may be named early in the case, receive notice of hearings and be served with documents throughout the case without coming forward and asserting his right to the child, and then file an affidavit of parenthood at the TPR trial, establishing rights for the first time and delaying or stopping the TPR proceedings.

In contrast, ch. 63, F.S., requires an unmarried biological father to preserve and perfect his rights by registering with the Putative Father Registry or filing a ch. 742, F.S., claim of paternity.²⁸ This can be done at any time, including prior to a child's birth, but not after the date a petition is filed for TPR.²⁹ Failure to assert paternity before the date a petition is filed for TPR bars a ch. 742, F.S., claim of paternity.³⁰ An unmarried biological father is also required to take some measure of responsibility for the child and the child's future and to demonstrate a full commitment to the responsibilities of parenthood by providing financial support and regularly visiting or maintaining regular communication with the child unless prevented from doing so.³¹

²⁷ Id.

²⁸ S. 63.054, F.S.

²⁹ Id.

³⁰ Id.

³¹ S. 63.062(2), F.S.

Effect of Proposed Changes

The bill creates a procedure for giving notice in ch. 39, F.S., dependency (s. 39.502, F.S.) and TPR (s. 39.802, F.S.) proceedings to unmarried biological fathers, requiring individual service to those who are known and locatable. This notice is not required if the unmarried biological father has signed an affidavit of nonpaternity or a consent to TPR. The notice of petition for dependency must specifically state that if the unmarried biological father wishes to assert his parental rights and contest the dependency petition he must, within 30 days after service:

1. File a claim of paternity with the Florida Putative Father Registry;
2. File an action to establish his parental rights to the child pursuant to the laws of the state;
3. File a verified response with the court which contains a pledge of commitment to the child, a request for the court to calculate and order child support, and an agreement to submit to the court's jurisdiction;
4. Provide support for the child as calculated by the court; and
5. Seek to establish a substantial relationship with the child within the parameters established by the court, such as taking parental responsibility, providing support, and establishing regular contact with the child in accordance with a written court order that takes the child's safety, well-being, or physical, mental, or emotional health into account.

Determination of Standing

The bill requires the court, at the dependency and TPR advisory hearings, to determine whether the unmarried biological father took the necessary steps to assert his parental rights to gain standing to contest the dependency or TPR petition. If the court determines that the unmarried biological father has failed to assert his parental rights, it may find that he is no longer a prospective parent and is no longer entitled to further notice regarding the child unless otherwise ordered by the court.

If an unmarried biological father was not identified by the court's inquiry at the dependency or TPR advisory, but was subsequently identified, he may not use the lack of notice as a defense against the finding of dependency or TPR.

This change at the TPR advisory will allow courts to move forward to achieve permanency by adoption in a shorter time frame.

Establishment of Parentage

Current Situation

Pursuant to s. 39.503(8), F.S., the court may accept an affidavit of parentage and consider the affiant a parent for all purposes unless the known parent contests the determination of parentage. If the known parent contests the determination of parentage, the prospective parent may not be recognized as a parent until proceedings to determine parentage under ch. 742, F.S., have been concluded. This requires the parties to file separate pleadings for a determination of parentage, although it may still be heard by the same judge.

Effect of Proposed Changes

The bill allows the court to enter an agreed order establishing parentage based on an uncontested request to establish parentage, order the Office of Vital Statistics to amend the child's birth certificate to reflect the new parentage, and order child support. A prospective parent may only file an affidavit of parenthood when the child does not already have two legally recognized parents. If the child already has two legally recognized parents or the known parent objects to the recognition of parentage, the prospective parent must seek to establish parentage pursuant to ch. 742, F.S., which may be heard by the same court in accordance with the procedures of that chapter.

The bill allows the known and prospective parent to agree to voluntarily submit to scientific testing to determine parentage if the child does not already have two legally recognized parents. If the known and prospective parent both agree to scientific testing, the court must assess the cost as a cost of litigation. This will allow the use of genetic testing if the parties agree without the formality of a ch. 742, F.S., proceeding.

The bill requires a genetic test as evidence to be weighed along with all other evidence of parentage unless the statistical probability of parentage equals or exceeds 95 percent, which creates a rebuttable presumption that the alleged parent is the biological parent of the child. If the test show the alleged parent is not the biological parent, the alleged parent is no longer considered a participant or entitled to further notice.

The bill also makes several conforming cross-reference changes throughout the bill.

Preliminary Home Study

Current Situation

Section 63.092(3), F.S., requires prospective adoptive parents in private adoption proceedings to undergo a preliminary home study to determine their suitability as adoptive parents.³² A DCF-licensed child-placing agency or child-caring agency generally conducts the preliminary home study, which includes, among other things, a records check of the prospective parents in DCF's central abuse registry and counseling and education of the intended adoptive parents on adoptive parenting.³³

Currently, the statute does not require the results of DCF's record check to be given directly to the entity conducting the preliminary home study. This provision also does not specify what the counseling and education requirements are for prospective adoptive parents in private proceedings; however, DCF imposes the same training requirements it uses for licensing and training prospective foster care parents and emergency shelter parents pursuant to s. 407.175, F.S.³⁴ This training is designed to prepare prospective foster care parents and emergency shelter parents for the unique difficulties they will have to face when caring for children in dependency proceedings with a history of abuse, neglect, or prior placement disruptions.³⁵

Effect of Proposed Changes

The bill requires DCF to give the results of record checks of its central abuse registry of intended adoptive parents directly to the entity conducting the preliminary home study in private adoption proceedings to ensure the integrity of the reports.

The bill also allows the entity conducting the preliminary home study in private adoption proceedings to determine the counseling and education requirements for the intended adoptive parents. The bill exempts adoptive parents in private adoption proceedings from the training requirements of s. 409.175(14), F.S., involving adoptive parents in dependency proceedings.

The bill is effective October 1, 2018.

³² S. 63.092(3), F.S.

³³ S. 63.092(3), F.S.,

³⁴ Rules 65C-15.028, 65C-16.005(4), and 65C-13.024, F.A.C.; and s. 409.175(14), F.S.

³⁵ S. 409.175(14), F.S. One of the training requirements for these parents is 21 hours of preservice training to: orient them; explain their role as a treatment team member; prepare them for issues involved in the transition of a child into and out of foster care and emergency shelter care; teach them to manage difficult child behavior intensified by placement, prior abuse or neglect, or prior placement disruptions; prevent placement disruptions; teach them how to care for children at various developmental levels; and educate them on the effects of foster parenting on their families.

B. SECTION DIRECTORY:

- Section 1:** Amends s. 39.001, F.S., relating to purposes and intent; personnel standards and screening.
- Section 2:** Amends s. 39.01, F.S., relating to definitions.
- Section 3:** Amends s. 39.402, F.S., relating to placement in shelter.
- Section 4:** Amends s. 39.502, F.S., relating to notice, process, and service.
- Section 5:** Amends s. 39.503, F.S., relating to identity of location of parent unknown; special procedures.
- Section 6:** Amends s. 39.801, F.S., relating to procedures and jurisdiction; notice; service of process.
- Section 7:** Amends s. 39.803, F.S., relating to identity or location of parent unknown after filing of termination of parental rights petition; special procedures.
- Section 8:** Amends s. 63.092, F.S., relating to the report to the court of intended placement by an adoption entity; at risk placement; preliminary study.
- Section 9:** Provides an effective date of October 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None.

2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.

2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 30, 2018, the Children, Families, and Seniors Subcommittee adopted four amendments, which:

- Require the court to personally serve any known and locatable unmarried biological father in dependency proceedings and termination of parental rights proceedings regardless of whether the child has a legal father.
- Revise the requirement that an unmarried biological father legally establish his parental rights within 30 days to have standing to contest a dependency petition, and instead require that the father file an action to legally establish his parental rights within 30 days.
- Require DCF to give record checks of intended adoptive parents in its central abuse registry directly to the entity conducting the preliminary home study in private adoption proceedings.
- Allow the entity conducting the preliminary home study in private adoption proceedings to determine the counseling and education requirements for the intended adoptive parents.
- Exempt adoptive parents in private adoption proceedings from the training requirements of s. 409.175(14), F.S., specifying that those requirements only apply to adoptive parents in dependency proceedings.

The bill was reported favorably as a committee substitute. The analysis is drafted to the committee substitute as passed by the Children, Families, and Seniors Subcommittee.