

1 A bill to be entitled
2 An act relating to dependency proceedings; amending s.
3 39.001, F.S.; providing an additional purpose of ch.
4 39, F.S.; amending s. 39.01, F.S.; revising the
5 definition of the term "parent" and defining the term
6 "unmarried biological father"; amending s. 39.402 and
7 39.803, F.S.; revising the types of information
8 relating to the identity and location of a child's
9 legal father that fall within the scope of a court
10 inquiry at a shelter hearing or a hearing regarding a
11 petition for termination of parental rights; amending
12 s. 39.502, F.S.; providing for certain unmarried
13 biological fathers to receive notice of dependency
14 hearings under certain circumstances; amending ss.
15 39.503, F.S.; revising the types of information
16 relating to the identity and location of a child's
17 legal father that fall within the scope of a court
18 inquiry at a dependency or shelter hearing; requiring
19 a court to take certain actions if a person fails to
20 assert parental rights; providing conditions for
21 establishing paternity in a dependency proceeding;
22 authorizing the court to order certain scientific
23 testing to determine maternity or paternity of a
24 child; providing for assessment of costs of
25 litigation; amending s. 39.801, F.S.; requiring notice

26 of a petition for termination of parental rights to be
 27 served on an unmarried biological father identified
 28 under oath or by a diligent search of the Florida
 29 Putative Father Registry under certain circumstances;
 30 providing conditions for contesting the petition;
 31 conforming cross-references; amending s. 409.1662,
 32 F.S.; requiring the Department of Children and
 33 Families to include certain information regarding
 34 adoptions in outcome-based agreements between lead
 35 agencies and their subcontracted providers; providing
 36 an effective date.

37

38 Be It Enacted by the Legislature of the State of Florida:

39

40 Section 1. Paragraphs (n), (o), and (p) of subsection (1)
 41 of section 39.001, Florida Statutes, are redesignated as
 42 paragraphs (o), (p), and (q), respectively, and a new paragraph
 43 (n) is added to that subsection to read:

44 39.001 Purposes and intent; personnel standards and
 45 screening.—

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

47 (n) Whenever possible, to ensure that children have the
 48 benefit of loving and caring relationships with both of their
 49 parents. To that end, parents should be engaged to the fullest
 50 extent possible in the lives of their children and prospective

51 parents should be afforded a prompt, full, and fair opportunity
52 to establish a parental relationship with their children and
53 assume all parental duties. A prospective parent who is an
54 unmarried biological father has the same rights under this
55 chapter as under chapter 63. Accordingly, his interest is
56 inchoate until he demonstrates a timely and full commitment to
57 the responsibilities of parenthood. Because time is of the
58 essence under this chapter, and the time limitations belong to
59 the child and not to the parent or to any prospective parent,
60 prospective parents, including unmarried biological parents,
61 must be aware that failure to comply with the specific
62 requirements of this chapter may result in permanent elimination
63 or termination of their rights or interests as actual or
64 inchoate parents or prospective parents.

65 Section 2. Subsection (50) of section 39.01, Florida
66 Statutes, is amended, subsection (81) is renumbered as
67 subsection (82), and a new subsection (81) is added to that
68 section, to read:

69 39.01 Definitions.—When used in this chapter, unless the
70 context otherwise requires:

71 (50) "Parent" means a woman who gives birth to a child and
72 a man whose consent to the adoption of the child would be
73 required under s. 63.062(1). The term "parent" also means legal
74 father as defined in this section. If a child has been legally
75 adopted, the term "parent" means the adoptive mother or father

76 of the child. For purposes of this chapter only, when the phrase
 77 "parent or legal custodian" is used, it refers to rights or
 78 responsibilities of the parent and, only if there is no living
 79 parent with intact parental rights, to the rights or
 80 responsibilities of the legal custodian who has assumed the role
 81 of the parent. The term does not include an individual whose
 82 parental relationship to the child has been legally terminated,
 83 or an alleged or prospective parent, unless:

84 ~~(a) The parental status falls within the terms of s.~~
 85 ~~39.503(1) or s. 63.062(1); or~~

86 ~~(b)~~ parental status is applied for the purpose of
 87 determining whether the child has been abandoned.

88 (81) "Unmarried biological father" means the child's
 89 biological father who is not married to the child's mother at
 90 the time of conception or on the date of the birth of the child
 91 and who, before the advisory hearing is held on a petition to
 92 terminate parental rights, has not been adjudicated or declared
 93 by a court of competent jurisdiction to be the legal father of
 94 the child or has not executed an affidavit pursuant to s.
 95 382.013(2)(c).

96 Section 3. Paragraph (c) of subsection (8) of section
 97 39.402, Florida Statutes, is amended to read:

98 39.402 Placement in a shelter.—

99 (8)

100 (c) At the shelter hearing, the court shall:

101 1. Appoint a guardian ad litem to represent the best
102 interest of the child, unless the court finds that such
103 representation is unnecessary;

104 2. Inform the parents or legal custodians of their right
105 to counsel to represent them at the shelter hearing and at each
106 subsequent hearing or proceeding, and the right of the parents
107 to appointed counsel, pursuant to the procedures set forth in s.
108 39.013;

109 3. Give the parents or legal custodians an opportunity to
110 be heard and to present evidence; and

111 4. Inquire of those present at the shelter hearing as to
112 the identity and location of the legal father. In determining
113 who the legal father of the child may be, the court shall
114 inquire under oath of those present at the shelter hearing
115 whether they have any of the following information regarding the
116 identity of any man:

117 a. To whom the mother of the child was married at any time
118 when conception of the child may have occurred or at the time of
119 the birth of the child.

120 b. Who has filed an affidavit of paternity pursuant to s.
121 382.013(2)(c) before an advisory hearing is held on a petition
122 for termination of parental rights.

123 c. Who has adopted the child.

124 d. Who has been adjudicated by a court of competent
125 jurisdiction as the father of the child before an advisory

126 hearing is held on a petition for termination of parental
127 rights.

128 e. Whom the mother identified as the father under oath to
129 a representative of the department.

130 ~~a. Whether the mother of the child was married at the~~
131 ~~probable time of conception of the child or at the time of birth~~
132 ~~of the child.~~

133 f.b. With whom ~~Whether~~ the mother was cohabiting ~~with a~~
134 ~~male~~ at the probable time of conception of the child.

135 g.e. Who claims to be the father and from whom ~~Whether~~ the
136 mother has received payments or promises of support with respect
137 to the child or because of her pregnancy ~~from a man who claims~~
138 ~~to be the father.~~

139 h.d. Whom ~~Whether~~ the mother has named ~~any man~~ as the
140 father on the birth certificate of the child or in connection
141 with applying for or receiving public assistance.

142 i.e. Who ~~Whether any man~~ has acknowledged or claimed
143 paternity of the child in a jurisdiction in which the mother
144 resided at the time of or since conception of the child or in
145 which the child has resided or resides.

146 j.f. Who ~~Whether a man~~ is named on the birth certificate
147 of the child pursuant to s. 382.013(2).

148 k.g. Who ~~Whether a man~~ has been determined by a court
149 order to be the father of the child.

150 l.h. Who ~~Whether a man~~ has been determined to be the

151 father of the child by the Department of Revenue as provided in
 152 s. 409.256.

153 Section 4. Subsections (7) through (19) of section 39.502,
 154 Florida Statutes, are renumbered as subsections (8) through
 155 (20), respectively, subsection (1) and present subsection (9) of
 156 that section are amended, and a new subsection (7) is added to
 157 that section, to read:

158 39.502 Notice, process, and service.—

159 (1) Unless parental rights have been terminated, all
 160 parents must be notified of all proceedings or hearings
 161 involving the child. Notice in cases involving shelter hearings
 162 and hearings resulting from medical emergencies must be that
 163 most likely to result in actual notice to the parents. In all
 164 other dependency proceedings, notice must be provided in
 165 accordance with subsections (4)-(10) ~~(4)-(9)~~, except when a
 166 relative requests notification pursuant to s. 39.301(14)(b), in
 167 which case notice shall be provided pursuant to subsection (20)
 168 ~~(19)~~.

169 (7)(a) Notice of the petition for dependency shall be
 170 individually served upon any known and locatable unmarried
 171 biological father who is identified under oath before the court
 172 or who is identified by a diligent search of the Florida
 173 Putative Father Registry. Service of the notice of the petition
 174 for dependency is not required if the unmarried biological
 175 father signs an affidavit of nonpaternity or a consent to

176 termination of his parental rights and such affidavit or consent
177 is accepted by the department. The recipient of the notice may
178 waive service of process by executing a waiver and acknowledging
179 receipt of the notice.

180 (b) The notice of petition for dependency must
181 specifically state that if the unmarried biological father
182 desires to assert his parental rights to acquire standing to
183 contest the dependency petition he must, within 30 days after
184 service:

185 1. File a claim of paternity with the Florida Putative
186 Father Registry pursuant to instructions provided for submitting
187 a claim of paternity form to the Office of Vital Statistics,
188 including the address to which the claim must be sent.

189 2. Legally establish his parental rights to the child
190 pursuant to the laws of the state.

191 3. File a verified response with the court which contains
192 a pledge of commitment to the child, a request for the court to
193 calculate and order child support, and an agreement to submit to
194 the court's jurisdiction.

195 4. Provide support for the child as calculated by the
196 court under s. 61.30.

197 5. Seek to establish a substantial relationship with the
198 child within the parameters established by court order. An
199 unmarried biological father must develop a substantial
200 relationship with the child by taking parental responsibility

201 for the child and the child's future; providing financial
202 support to the child in accordance with his ability, if not
203 prevented from doing so by the person or authorized agency
204 having lawful custody of the child; and establishing or
205 maintaining regular contact with the child in accordance with a
206 written court order. An order for visitation or other contact
207 may be entered by the court if the court determines that such
208 contact will not endanger the safety, well-being, or physical,
209 mental, or emotional health of the child. The court may consider
210 the results of any home study in making such determination.

211 (c) The court shall determine whether the unmarried
212 biological father took the steps necessary to assert his
213 parental rights to acquire standing to contest the dependency
214 petition pursuant to paragraph (b) and, if not, the court shall
215 enter a finding that the unmarried biological father is no
216 longer a prospective parent or participant, may not contest the
217 petition for dependency or any subsequent petition for
218 termination of parental rights, and is no longer entitled to any
219 further notice of proceedings regarding the child unless
220 otherwise ordered by the court.

221 (d) If an unmarried biological father is not identified
222 pursuant to the inquiry under this section, the unmarried
223 biological father's claim that he did not receive actual notice
224 of the dependency proceeding is not a defense to a finding that
225 the child is dependent.

226 (10) ~~(9)~~ When an affidavit of diligent search has been
227 filed under subsection (9) ~~(8)~~, the petitioner shall continue to
228 search for and attempt to serve the person sought until excused
229 from further search by the court. The petitioner shall report on
230 the results of the search at each court hearing until the person
231 is identified or located or further search is excused by the
232 court.

233 Section 5. Section 39.503, Florida Statutes, is amended to
234 read:

235 39.503 Identity or location of parent unknown; special
236 procedures.—

237 (1) If the identity or location of a parent is unknown and
238 a petition for dependency or shelter is filed, the court shall
239 conduct under oath the following inquiry of the parent or legal
240 custodian who is available, or, if no parent or legal custodian
241 is available, of any relative or custodian of the child who is
242 present at the hearing and likely to have any of the following
243 information regarding the identity of any man:

244 (a) To whom the mother of the minor was married at any
245 time when conception of the child may have occurred or at the
246 time of the birth of the child.

247 (b) Who has filed an affidavit of paternity pursuant to s.
248 382.013(2)(c) before an advisory hearing is held on a petition
249 for termination of parental rights.

250 (c) Who has adopted the child.

251 (d) Who has been adjudicated by a court of competent
 252 jurisdiction as the father of the child before an advisory
 253 hearing is held on a petition for termination of parental
 254 rights.

255 (e) Whom the mother identified as the father under oath to
 256 a representative of the department.

257 ~~(a) Whether the mother of the child was married at the~~
 258 ~~probable time of conception of the child or at the time of birth~~
 259 ~~of the child.~~

260 ~~(f)(b)~~ With whom ~~Whether~~ the mother was cohabiting ~~with a~~
 261 ~~male~~ at the probable time of conception of the child.

262 (g)(e) Who claims to be the father and from whom ~~Whether~~
 263 the mother has received payments or promises of support with
 264 respect to the child or because of her pregnancy ~~from a man who~~
 265 ~~claims to be the father.~~

266 (h)(d) Who ~~Whether~~ the mother has named ~~any man~~ as the
 267 father on the birth certificate of the child or in connection
 268 with applying for or receiving public assistance.

269 (i)(e) Who ~~Whether any man~~ has acknowledged or claimed
 270 paternity of the child in a jurisdiction in which the mother
 271 resided at the time of or since conception of the child, or in
 272 which the child has resided or resides.

273 (j)(f) Who ~~Whether a man~~ is named on the birth certificate
 274 of the child pursuant to s. 382.013(2).

275 (k)(g) Who ~~Whether a man~~ has been determined by a court

276 order to be the father of the child.

277 (1) ~~(h)~~ Who ~~Whether a man~~ has been determined to be the
278 father of the child by the Department of Revenue as provided in
279 s. 409.256.

280 (2) The information required under ~~in~~ subsection (1) may
281 be supplied to the court or the department in the form of a
282 sworn affidavit by a person having personal knowledge of the
283 facts.

284 (3) If the inquiry under subsection (1) identifies any
285 person as a parent or prospective parent, the court shall
286 require notice of the hearing to be provided to that person.

287 (4) If the inquiry under subsection (1) fails to identify
288 any person as a parent or prospective parent, the court shall so
289 find and may proceed without further notice.

290 (5) If the inquiry under subsection (1) identifies a
291 parent or prospective parent, and that person's location is
292 unknown, the court shall direct the petitioner to conduct a
293 diligent search for that person before scheduling a disposition
294 hearing regarding the dependency of the child unless the court
295 finds that the best interest of the child requires proceeding
296 without notice to the person whose location is unknown.

297 (6) If the inquiry under subsection (1) identifies an
298 unmarried biological father or an unmarried biological father is
299 identified by another means and is individually served with a
300 petition for dependency but fails to assert his parental rights

301 as specified in s. 39.502(7), the court shall so find and may
302 proceed without further notice.

303 (7)-(6) The diligent search required by subsection (5) must
304 include, at a minimum, inquiries of all relatives of the parent
305 or prospective parent made known to the petitioner, inquiries of
306 all offices of program areas of the department likely to have
307 information about the parent or prospective parent, inquiries of
308 other state and federal agencies likely to have information
309 about the parent or prospective parent, inquiries of appropriate
310 utility and postal providers, a thorough search of at least one
311 electronic database specifically designed for locating persons,
312 a search of the Florida Putative Father Registry, and inquiries
313 of appropriate law enforcement agencies. Pursuant to s. 453 of
314 the Social Security Act, 42 U.S.C. s. 653(c)(4), the department,
315 as the state agency administering Titles IV-B and IV-E of the
316 act, shall be provided access to the federal and state parent
317 locator service for diligent search activities.

318 (8)-(7) Any agency contacted by a petitioner with a request
319 for information pursuant to subsection (7) ~~(6)~~ shall release the
320 requested information to the petitioner without the necessity of
321 a subpoena or court order.

322 (9)(a)-(8) If the inquiry and diligent search identifies a
323 prospective parent, that person must be given the opportunity to
324 become a party to the proceedings by completing a sworn
325 affidavit of parenthood and filing it with the court or the

326 department. A prospective parent who files a sworn affidavit of
327 parenthood while the child is a dependent child but no later
328 than at the time of or before the adjudicatory hearing in any
329 termination of parental rights proceeding for the child shall be
330 considered a parent for all purposes under this section unless
331 the other parent contests the determination of parenthood. If
332 neither the known parent nor the prospective parent objects to a
333 request to establish parentage under the laws of the state, the
334 court may enter an agreed order, order the Office of Vital
335 Statistics to amend the child's birth certificate, and order the
336 petitioning parent to pay support for the child.

337 (b) If the known parent contests the recognition of the
338 prospective parent as a parent, the prospective parent may not
339 be recognized as a parent until proceedings to determine
340 maternity or paternity under chapter 742 have been concluded.
341 However, the prospective parent shall continue to receive notice
342 of hearings as a participant pending results of the chapter 742
343 proceedings to determine maternity or paternity. The dependency
344 court may hear the chapter 742 proceeding and establish
345 parentage in accordance with the procedures in that chapter,
346 including entry of an order or judgment establishing parentage.

347 (c) A prospective parent may only file a sworn affidavit
348 of parenthood when the child does not have two legally
349 recognized parents. If a child has two legally recognized
350 parents, the prospective parent must seek to establish parentage

351 pursuant to chapter 742.

352 (d) Nothing in this subsection prevents the known parent
353 and the prospective parent from agreeing to voluntarily submit
354 to scientific testing to determine the maternity or paternity of
355 the child if the child does not already have two legally
356 recognized parents and the court determines it is in the child's
357 best interest.

358 (e) Test results are admissible in evidence and shall be
359 weighed along with other evidence of parentage unless the
360 statistical probability of parentage equals or exceeds 95
361 percent. A statistical probability of parentage that equals or
362 exceeds 95 percent creates a rebuttable presumption, as
363 described in s. 90.304, that the alleged parent is the
364 biological parent of the child. If a party fails to rebut the
365 presumption of parentage which arose from the statistical
366 probability of parentage that equals or exceeds 95 percent, the
367 court may enter a summary judgment of parentage. If the test
368 results show the alleged parent is not the biological parent,
369 the prospective parent is no longer considered a participant or
370 entitled to notice of the proceedings.

371 (f) The court shall assess the cost of the paternity
372 determination as a cost of litigation.

373 (10)-(9) If the diligent search under subsection (5) fails
374 to identify and locate a parent or prospective parent, the court
375 shall so find and may proceed without further notice.

376 Section 6. Subsection (3) of section 39.801, Florida
 377 Statutes, is amended to read:

378 39.801 Procedures and jurisdiction; notice; service of
 379 process.—

380 (3) Before the court may terminate parental rights, in
 381 addition to the other requirements set forth in this part, the
 382 following requirements must be met:

383 (a) Notice of the date, time, and place of the advisory
 384 hearing for the petition to terminate parental rights and a copy
 385 of the petition must be personally served upon the following
 386 persons, specifically notifying them that a petition has been
 387 filed:

- 388 1. The parents of the child.
- 389 2. The legal custodians of the child.
- 390 3. If the parents who would be entitled to notice are dead
 391 or unknown, a living relative of the child, unless upon diligent
 392 search and inquiry no such relative can be found.
- 393 4. Any person who has physical custody of the child.
- 394 5. Any grandparent entitled to priority for adoption under
 395 s. 63.0425.
- 396 6. Any prospective parent who has been identified under s.
 397 39.503 or s. 39.803, unless a court order has been entered
 398 pursuant to s. 39.503(4), (6), or (10) or s. 39.803(4), (6), or
 399 (10) s. 39.503(4) or (9) or s. 39.803(4) or (9) which indicates
 400 no further notice is required. Except as otherwise provided in

401 | this section, if there is not a legal father, notice of the
402 | petition for termination of parental rights must be provided to
403 | any known prospective father who is identified under oath before
404 | the court or who is identified by a diligent search of the
405 | Florida Putative Father Registry. Service of the notice of the
406 | petition for termination of parental rights is not required if
407 | the prospective father executes an affidavit of nonpaternity or
408 | a consent to termination of his parental rights which is
409 | accepted by the court after notice and opportunity to be heard
410 | by all parties to address the best interests of the child in
411 | accepting such affidavit.

412 | 7. The guardian ad litem for the child or the
413 | representative of the guardian ad litem program, if the program
414 | has been appointed.

415 |

416 | The document containing the notice to respond or appear must
417 | contain, in type at least as large as the type in the balance of
418 | the document, the following or substantially similar language:

419 | "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING
420 | CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF
421 | THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND
422 | TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE
423 | CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS
424 | NOTICE."

425 | (b) Notice of the petition for termination of parental

426 rights shall be individually served upon any known and locatable
427 unmarried biological father who is identified under oath before
428 the court or who is identified by a diligent search of the
429 Florida Putative Father Registry. Service of the notice of the
430 petition for termination of parental rights is not required if
431 the unmarried biological father signs an affidavit of
432 nonpaternity or a consent to termination of his parental rights
433 and such affidavit or consent is accepted by the department. The
434 recipient of the notice may waive service of process by
435 executing a waiver and acknowledging receipt of the notice. The
436 notice of petition for termination of parental rights must
437 specifically state that if the unmarried biological father
438 desires to assert his parental rights to acquire standing to
439 contest the petition he must, within 30 days after service:

440 1. File a claim of paternity with the Florida Putative
441 Father Registry pursuant to instructions provided for submitting
442 a claim of paternity form to the Office of Vital Statistics,
443 including the address to which the claim must be sent.

444 2. Legally establish his parental rights to the child
445 pursuant to the laws of the state.

446 3. File a verified response with the court which contains
447 a pledge of commitment to the child, a request for the court to
448 calculate and order child support, and an agreement to submit to
449 the court's jurisdiction.

450 4. Provide support for the child as calculated by the

451 court under s. 61.30.

452 5. Seek to establish a substantial relationship with the
453 child within the parameters established by court order. A father
454 must develop a substantial relationship with the child by taking
455 parental responsibility for the child and the child's future;
456 providing financial support to the child in accordance with his
457 ability, if not prevented from doing so by the person or
458 authorized agency having lawful custody of the child; and
459 establishing or maintaining regular contact with the child in
460 accordance with a written court order. An order for visitation
461 or other contact may be entered by the court if the court
462 determines that such contact will not endanger the safety, well-
463 being, and physical, mental, or emotional health of the child.
464 The court may consider the results of any home study when making
465 such determination.

466 (c) The court shall determine whether the unmarried
467 biological father took the steps necessary to assert his
468 parental rights to acquire standing to contest the dependency
469 petition pursuant to paragraph (b) and, if not, the court shall
470 enter a finding that the unmarried biological father is no
471 longer a prospective parent or participant, may not contest the
472 petition for termination of parental rights, and is no longer
473 entitled to any further notice of proceedings regarding the
474 child unless otherwise ordered by the court.

475 (d) If an unmarried biological father is not identified

476 pursuant to the inquiry under this section, the unmarried
477 biological father's claim that he did not receive actual notice
478 of the termination proceeding is not a defense to the petition
479 nor grounds that the proceeding is otherwise defective.

480 (e)~~(b)~~ If a party required to be served with notice as
481 prescribed in paragraph (a) cannot be served, notice of hearings
482 must be given as prescribed by the rules of civil procedure, and
483 service of process must be made as specified by law or civil
484 actions.

485 (f)~~(e)~~ Notice as prescribed by this section may be waived,
486 in the discretion of the judge, with regard to any person to
487 whom notice must be given under this subsection if the person
488 executes, before two witnesses and a notary public or other
489 officer authorized to take acknowledgments, a written surrender
490 of the child to a licensed child-placing agency or the
491 department.

492 (g)~~(d)~~ If the person served with notice under this section
493 fails to personally appear at the advisory hearing, the failure
494 to personally appear shall constitute consent for termination of
495 parental rights by the person given notice. If a parent appears
496 for the advisory hearing and the court orders that parent to
497 personally appear at the adjudicatory hearing for the petition
498 for termination of parental rights, stating the date, time, and
499 location of said hearing, then failure of that parent to
500 personally appear at the adjudicatory hearing shall constitute

501 consent for termination of parental rights.

502 Section 7. Section 39.803, Florida Statutes, is amended to
503 read:

504 39.803 Identity or location of parent unknown after filing
505 of termination of parental rights petition; special procedures.-

506 (1) If the identity or location of a parent is unknown and
507 a petition for termination of parental rights is filed, the
508 court shall conduct under oath the following inquiry of the
509 parent who is available, or, if no parent is available, of any
510 relative, caregiver, or legal custodian of the child who is
511 present at the hearing and likely to have the information
512 regarding the identity of any man:

513 (a) To whom the mother of the child was married at any
514 time when conception of the child may have occurred or at the
515 time of the birth of the child.

516 (b) Who has filed an affidavit of paternity pursuant to s.
517 382.013(2) (c) before an advisory hearing is held on a petition
518 for termination of parental rights.

519 (c) Who has adopted the child before an advisory hearing
520 is held on the petition for termination of parental rights.

521 (d) Who has been adjudicated by a court as the father of
522 the child before an advisory hearing is held on a petition for
523 termination of parental rights.

524 (e) Whom the mother identified as the father under oath to
525 a representative of the department before an advisory hearing is

526 held on the petition for termination of parental rights.

527 ~~(a) Whether the mother of the child was married at the~~
528 ~~probable time of conception of the child or at the time of birth~~
529 ~~of the child.~~

530 (f)(b) With whom ~~Whether~~ the mother was cohabiting ~~with a~~
531 ~~male~~ at the probable time of conception of the child.

532 (g)(e) Who claims to be the father and from whom ~~Whether~~
533 the mother has received payments or promises of support with
534 respect to the child or because of her pregnancy ~~from a man who~~
535 ~~claims to be the father.~~

536 (h)(d) Who ~~Whether~~ the mother has named ~~any man~~ as the
537 father on the birth certificate of the child or in connection
538 with applying for or receiving public assistance before an
539 advisory hearing is held on the petition for termination of
540 parental rights.

541 (i)(e) Who ~~Whether any man~~ has acknowledged or claimed
542 paternity of the child in a jurisdiction in which the mother
543 resided at the time of or since conception of the child, or in
544 which the child has resided or resides before an advisory
545 hearing is held on the petition for termination of parental
546 rights.

547 (j)(f) Who ~~Whether a man~~ is named on the birth certificate
548 of the child pursuant to s. 382.013(2).

549 (k)(g) Who ~~Whether a man~~ has been determined by a court
550 order to be the father of the child.

551 (1) ~~(h)~~ Who ~~Whether a man~~ has been determined to be the
 552 father of the child by the Department of Revenue as provided in
 553 s. 409.256.

554 (2) The information required in subsection (1) may be
 555 supplied to the court or the department in the form of a sworn
 556 affidavit by a person having personal knowledge of the facts.

557 (3) If the inquiry under subsection (1) identifies any
 558 person as a parent or prospective parent, the court shall
 559 require notice of the hearing to be provided to that person.

560 (4) If the inquiry under subsection (1) fails to identify
 561 any person as a parent or prospective parent, the court shall so
 562 find and may proceed without further notice.

563 (5) If the inquiry under subsection (1) identifies a
 564 parent or prospective parent, and that person's location is
 565 unknown, the court shall direct the petitioner to conduct a
 566 diligent search for that person before scheduling an
 567 adjudicatory hearing regarding the petition for termination of
 568 parental rights to the child unless the court finds that the
 569 best interest of the child requires proceeding without actual
 570 notice to the person whose location is unknown.

571 (6) If the inquiry under subsection (1) identifies an
 572 unmarried biological father or an unmarried biological father is
 573 identified by another means and is individually served with a
 574 petition for termination of parental rights but fails to assert
 575 his parental rights as specified in s. 39.801(3)(b), the court

576 | shall so find and may proceed without further notice.

577 | ~~(7)(6)~~ The diligent search required by subsection (5) must
578 | include, at a minimum, inquiries of all known relatives of the
579 | parent or prospective parent, inquiries of all offices of
580 | program areas of the department likely to have information about
581 | the parent or prospective parent, inquiries of other state and
582 | federal agencies likely to have information about the parent or
583 | prospective parent, inquiries of appropriate utility and postal
584 | providers, a thorough search of at least one electronic database
585 | specifically designed for locating persons, a search of the
586 | Florida Putative Father Registry, and inquiries of appropriate
587 | law enforcement agencies. Pursuant to s. 453 of the Social
588 | Security Act, 42 U.S.C. s. 653(c)(4), the department, as the
589 | state agency administering Titles IV-B and IV-E of the act,
590 | shall be provided access to the federal and state parent locator
591 | service for diligent search activities.

592 | ~~(8)(7)~~ Any agency contacted by petitioner with a request
593 | for information pursuant to subsection ~~(7)~~ ~~(6)~~ shall release the
594 | requested information to the petitioner without the necessity of
595 | a subpoena or court order.

596 | ~~(9)(8)~~ If the inquiry and diligent search identifies a
597 | prospective parent, that person must be given the opportunity to
598 | become a party to the proceedings by completing a sworn
599 | affidavit of parenthood and filing it with the court or the
600 | department. A prospective parent who files a sworn affidavit of

601 | parenthood while the child is a dependent child but no later
602 | than at the time of or before the adjudicatory hearing in the
603 | termination of parental rights proceeding for the child shall be
604 | considered a parent for all purposes under this section.

605 | ~~(10)~~~~(9)~~ If the diligent search under subsection (5) fails
606 | to identify and locate a prospective parent, the court shall so
607 | find and may proceed without further notice.

608 | Section 8. Paragraph (b) of subsection (2) of section
609 | 409.1662, Florida Statutes, is amended to read:

610 | 409.1662 Children within the child welfare system;
611 | adoption incentive program.—

612 | (2) ADMINISTRATION OF THE PROGRAM.—

613 | (b) Using the information from the baseline assessment,
614 | the department shall annually negotiate outcome-based agreements
615 | with lead agencies and their subcontracted providers. The
616 | agreements must establish measurable outcome targets to increase
617 | the number of adoptions resulting in permanent placements that
618 | enhance children's well-being. The agreements must ~~will~~ define
619 | the method for measuring performance and for determining the
620 | level of performance required to earn the incentive payment, and
621 | the amount of the incentive payment which may be earned for each
622 | target. The agreements must ensure that any placement for
623 | adoption by an adoption entity pursuant to s. 63.082(6) is
624 | credited to the lead agency and its subcontractor as if the lead
625 | agency or its subcontractor had made the placement.

626 | Section 9. This act shall take effect October 1, 2018. |