

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; providing an effective
 32 | date.

34 | Be It Enacted by the Legislature of the State of Florida:

36 | Section 1. Paragraphs (n), (o), and (p) of subsection (1)
 37 | of section 39.001, Florida Statutes, are redesignated as
 38 | paragraphs (o), (p), and (q), respectively, and a new paragraph
 39 | (n) is added to that subsection to read:

40 | 39.001 Purposes and intent; personnel standards and
 41 | screening.—

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

43 | (n) Whenever possible, to ensure that children have the
 44 | benefit of loving and caring relationships with both of their
 45 | parents. To that end, parents should be engaged to the fullest
 46 | extent possible in the lives of their children and prospective
 47 | parents should be afforded a prompt, full, and fair opportunity
 48 | to establish a parental relationship with their children and
 49 | assume all parental duties. A prospective parent who is an
 50 | unmarried biological father has the same rights under this

51 chapter as under chapter 63. Accordingly, his interest is
52 inchoate until he demonstrates a timely and full commitment to
53 the responsibilities of parenthood. Because time is of the
54 essence under this chapter, and the time limitations belong to
55 the child and not to the parent or to any prospective parent,
56 prospective parents, including unmarried biological parents,
57 must be aware that failure to comply with the specific
58 requirements of this chapter may result in permanent elimination
59 or termination of their rights or interests as actual or
60 inchoate parents or prospective parents.

61 Section 2. Subsection (50) of section 39.01, Florida
62 Statutes, is amended, subsection (81) is renumbered as
63 subsection (82), and a new subsection (81) is added to that
64 section, to read:

65 39.01 Definitions.—When used in this chapter, unless the
66 context otherwise requires:

67 (50) "Parent" means a woman who gives birth to a child and
68 a man whose consent to the adoption of the child would be
69 required under s. 63.062(1). The term "parent" also means legal
70 father as defined in this section. If a child has been legally
71 adopted, the term "parent" means the adoptive mother or father
72 of the child. For purposes of this chapter only, when the phrase
73 "parent or legal custodian" is used, it refers to rights or
74 responsibilities of the parent and, only if there is no living
75 parent with intact parental rights, to the rights or

76 | responsibilities of the legal custodian who has assumed the role
 77 | of the parent. The term does not include an individual whose
 78 | parental relationship to the child has been legally terminated,
 79 | or an alleged or prospective parent, unless:

80 | ~~(a) The parental status falls within the terms of s.~~
 81 | ~~39.503(1) or s. 63.062(1); or~~

82 | ~~(b)~~ parental status is applied for the purpose of
 83 | determining whether the child has been abandoned.

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

92 | Section 3. Paragraph (c) of subsection (8) of section
 93 | 39.402, Florida Statutes, is amended to read:

94 | 39.402 Placement in a shelter.—

95 | (8)

96 | (c) At the shelter hearing, the court shall:

97 | 1. Appoint a guardian ad litem to represent the best
 98 | interest of the child, unless the court finds that such
 99 | representation is unnecessary;

100 | 2. Inform the parents or legal custodians of their right

101 to counsel to represent them at the shelter hearing and at each
102 subsequent hearing or proceeding, and the right of the parents
103 to appointed counsel, pursuant to the procedures set forth in s.
104 39.013;

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

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

113 a. To whom the mother of the child was married at any time
114 when conception of the child may have occurred or at the time of
115 the birth of the child.

116 b. Who has filed an affidavit of paternity pursuant to s.
117 382.013(2)(c) before an advisory hearing is held on a petition
118 for termination of parental rights.

119 c. Who has adopted the child.

120 d. Who has been adjudicated by a court of competent
121 jurisdiction as the father of the child before an advisory
122 hearing is held on a petition for termination of parental
123 rights.

124 e. Whom the mother identified as the father under oath to
125 a representative of the department.

126 ~~a. Whether the mother of the child was married at the~~
127 ~~probable time of conception of the child or at the time of birth~~
128 ~~of the child.~~

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

131 g.c. Who claims to be the father and from whom ~~Whether~~ the
132 mother has received payments or promises of support with respect
133 to the child or because of her pregnancy ~~from a man who claims~~
134 ~~to be the father.~~

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

138 i.e. Who ~~Whether any man~~ has acknowledged or claimed
139 paternity of the child in a jurisdiction in which the mother
140 resided at the time of or since conception of the child or in
141 which the child has resided or resides.

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

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

146 l.h. Who ~~Whether a man~~ has been determined to be the
147 father of the child by the Department of Revenue as provided in
148 s. 409.256.

149 Section 4. Subsections (7) through (19) of section 39.502,
150 Florida Statutes, are renumbered as subsections (8) through

151 (20), respectively, subsection (1) and present subsection (9) of
152 that section are amended, and a new subsection (7) is added to
153 that section, to read:

154 39.502 Notice, process, and service.—

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

165 (7)(a) If a child does not have a legal father, notice of
166 the petition for dependency shall be personally served upon any
167 known and locatable unmarried biological father who is
168 identified under oath before the court or who is identified by a
169 diligent search of the Florida Putative Father Registry. Service
170 of the notice of the petition for dependency is not required if
171 the unmarried biological father signs an affidavit of
172 nonpaternity or a consent to termination of his parental rights
173 and such affidavit or consent is accepted by the department. The
174 recipient of the notice may waive service of process by
175 executing a waiver and acknowledging receipt of the notice.

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

181 1. File a claim of paternity with the Florida Putative
182 Father Registry pursuant to instructions provided for submitting
183 a claim of paternity form to the Office of Vital Statistics,
184 including the address to which the claim must be sent.

185 2. Legally establish his parental rights to the child
186 pursuant to the laws of the state.

187 3. File a verified response with the court which contains
188 a pledge of commitment to the child, a request for the court to
189 calculate and order child support, and an agreement to submit to
190 the court's jurisdiction.

191 4. Provide support for the child as calculated by the
192 court under s. 61.30.

193 5. Seek to establish a substantial relationship with the
194 child within the parameters established by court order. An
195 unmarried biological father must develop a substantial
196 relationship with the child by taking parental responsibility
197 for the child and the child's future; providing financial
198 support to the child in accordance with his ability, if not
199 prevented from doing so by the person or authorized agency
200 having lawful custody of the child; and establishing or

201 maintaining regular contact with the child in accordance with a
202 written court order. An order for visitation or other contact
203 may be entered by the court if the court determines that such
204 contact will not endanger the safety, well-being, or physical,
205 mental, or emotional health of the child. The court may consider
206 the results of any home study in making such determination.

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

217 (d) If an unmarried biological father is not identified
218 pursuant to the inquiry under s. 39.503, the unmarried
219 biological father's claim that he did not receive actual notice
220 of the dependency proceeding is not a defense to a finding that
221 the child is dependent.

222 (10)-(9) When an affidavit of diligent search has been
223 filed under subsection (9) ~~(8)~~, the petitioner shall continue to
224 search for and attempt to serve the person sought until excused
225 from further search by the court. The petitioner shall report on

226 the results of the search at each court hearing until the person
227 is identified or located or further search is excused by the
228 court.

229 Section 5. Section 39.503, Florida Statutes, is amended to
230 read:

231 39.503 Identity or location of parent unknown; special
232 procedures.—

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

240 (a) To whom the mother of the minor was married at any
241 time when conception of the child may have occurred or at the
242 time of the birth of the child.

243 (b) Who has filed an affidavit of paternity pursuant to s.
244 382.013(2)(c) before an advisory hearing is held on a petition
245 for termination of parental rights.

246 (c) Who has adopted the child.

247 (d) Who has been adjudicated by a court of competent
248 jurisdiction as the father of the child before an advisory
249 hearing is held on a petition for termination of parental
250 rights.

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

253 ~~(a) Whether the mother of the child was married at the~~
254 ~~probable time of conception of the child or at the time of birth~~
255 ~~of the child.~~

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

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

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

265 (i)(e) Who ~~Whether any man~~ has acknowledged or claimed
266 paternity of the child in a jurisdiction in which the mother
267 resided at the time of or since conception of the child, or in
268 which the child has resided or resides.

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

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

273 (l)(h) Who ~~Whether a man~~ has been determined to be the
274 father of the child by the Department of Revenue as provided in
275 s. 409.256.

276 (2) The information required under ~~in~~ subsection (1) may
277 be supplied to the court or the department in the form of a
278 sworn affidavit by a person having personal knowledge of the
279 facts.

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

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

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

293 (6) If the inquiry under subsection (1) identifies an
294 unmarried biological father or an unmarried biological father is
295 identified by another means and is personally served with a
296 petition for dependency but fails to assert his parental rights
297 as specified in s. 39.502(7), the court shall so find and may
298 proceed without further notice.

299 (7)~~(6)~~ The diligent search required by subsection (5) must
300 include, at a minimum, inquiries of all relatives of the parent

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

314 (8)~~(7)~~ Any agency contacted by a petitioner with a request
315 for information pursuant to subsection (7) ~~(6)~~ shall release the
316 requested information to the petitioner without the necessity of
317 a subpoena or court order.

318 (9)(a)~~(8)~~ If the inquiry and diligent search identifies a
319 prospective parent, that person must be given the opportunity to
320 become a party to the proceedings by completing a sworn
321 affidavit of parenthood and filing it with the court or the
322 department. A prospective parent who files a sworn affidavit of
323 parenthood while the child is a dependent child but no later
324 than at the time of or before the adjudicatory hearing in any
325 termination of parental rights proceeding for the child shall be

326 considered a parent for all purposes under this section unless
327 the other parent contests the determination of parenthood. If
328 neither the known parent nor the prospective parent objects to a
329 request to establish parentage under the laws of the state, the
330 court may enter an agreed order, order the Office of Vital
331 Statistics to amend the child's birth certificate, and order the
332 petitioning parent to pay support for the child.

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

343 (c) A prospective parent may only file a sworn affidavit
344 of parenthood when the child does not have two legally
345 recognized parents. If a child has two legally recognized
346 parents, the prospective parent must seek to establish parentage
347 pursuant to chapter 742.

348 (d) Nothing in this subsection prevents the known parent
349 and the prospective parent from agreeing to voluntarily submit
350 to scientific testing to determine the maternity or paternity of

351 the child if the child does not already have two legally
352 recognized parents and the court determines it is in the child's
353 best interest.

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

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

369 (10)-(9) If the diligent search under subsection (5) fails
370 to identify and locate a parent or prospective parent, the court
371 shall so find and may proceed without further notice.

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

374 39.801 Procedures and jurisdiction; notice; service of
375 process.-

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

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

- 384 1. The parents of the child.
- 385 2. The legal custodians of the child.
- 386 3. If the parents who would be entitled to notice are dead
 387 or unknown, a living relative of the child, unless upon diligent
 388 search and inquiry no such relative can be found.
- 389 4. Any person who has physical custody of the child.
- 390 5. Any grandparent entitled to priority for adoption under
 391 s. 63.0425.
- 392 6. Any prospective parent who has been identified under s.
 393 39.503 or s. 39.803, unless a court order has been entered
 394 pursuant to s. 39.503(4), (6), or (10) or s. 39.803(4), (6), or
 395 (10) s. 39.503(4) or (9) or s. 39.803(4) or (9) which indicates
 396 no further notice is required. Except as otherwise provided in
 397 this section, if there is not a legal father, notice of the
 398 petition for termination of parental rights must be provided to
 399 any known prospective father who is identified under oath before
 400 the court or who is identified by a diligent search of the

401 Florida Putative Father Registry. Service of the notice of the
402 petition for termination of parental rights is not required if
403 the prospective father executes an affidavit of nonpaternity or
404 a consent to termination of his parental rights which is
405 accepted by the court after notice and opportunity to be heard
406 by all parties to address the best interests of the child in
407 accepting such affidavit.

408 7. The guardian ad litem for the child or the
409 representative of the guardian ad litem program, if the program
410 has been appointed.

411
412 The document containing the notice to respond or appear must
413 contain, in type at least as large as the type in the balance of
414 the document, the following or substantially similar language:
415 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING
416 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF
417 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND
418 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE
419 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS
420 NOTICE."

421 (b) If a child does not have a legal father, notice of the
422 petition for termination of parental rights shall be personally
423 served upon any known and locatable unmarried biological father
424 who is identified under oath before the court or who is
425 identified by a diligent search of the Florida Putative Father

426 Registry. Service of the notice of the petition for termination
427 of parental rights is not required if the unmarried biological
428 father signs an affidavit of nonpaternity or a consent to
429 termination of his parental rights and such affidavit or consent
430 is accepted by the department. The recipient of the notice may
431 waive service of process by executing a waiver and acknowledging
432 receipt of the notice. The notice of petition for termination of
433 parental rights must specifically state that if the unmarried
434 biological father desires to assert his parental rights to
435 acquire standing to contest the petition he must, within 30 days
436 after service:

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

441 2. Legally establish his parental rights to the child
442 pursuant to the laws of the state.

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

447 4. Provide support for the child as calculated by the
448 court under s. 61.30.

449 5. Seek to establish a substantial relationship with the
450 child within the parameters established by court order. A father

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

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

473 (d) If an unmarried biological father is not identified
474 pursuant to the inquiry under s. 39.803, the unmarried
475 biological father's claim that he did not receive actual notice

476 of the termination proceeding is not a defense to the petition
477 nor grounds that the proceeding is otherwise defective.

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

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

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

500 Section 7. Section 39.803, Florida Statutes, is amended to

501 read:

502 39.803 Identity or location of parent unknown after filing
503 of termination of parental rights petition; special procedures.-

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

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

514 (b) Who has filed an affidavit of paternity pursuant to s.
515 382.013(2)(c) before an advisory hearing is held on a petition
516 for termination of parental rights.

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

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

522 (e) Whom the mother identified as the father under oath to
523 a representative of the department before an advisory hearing is
524 held on the petition for termination of parental rights.

525 ~~(a) Whether the mother of the child was married at the~~

526 ~~probable time of conception of the child or at the time of birth~~
527 ~~of the child.~~

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

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

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

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

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

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

549 (l)-(h) Who ~~Whether a man~~ has been determined to be the
550 father of the child by the Department of Revenue as provided in

551 s. 409.256.

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

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

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

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

569 (6) If the inquiry under subsection (1) identifies an
570 unmarried biological father or an unmarried biological father is
571 identified by another means and is personally served with a
572 petition for termination of parental rights but fails to assert
573 his parental rights as specified in s. 39.801(3)(b), the court
574 shall so find and may proceed without further notice.

575 (7)~~(6)~~ The diligent search required by subsection (5) must

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

590 (8)~~(7)~~ Any agency contacted by petitioner with a request
591 for information pursuant to subsection (7) ~~(6)~~ shall release the
592 requested information to the petitioner without the necessity of
593 a subpoena or court order.

594 (9)~~(8)~~ If the inquiry and diligent search identifies a
595 prospective parent, that person must be given the opportunity to
596 become a party to the proceedings by completing a sworn
597 affidavit of parenthood and filing it with the court or the
598 department. A prospective parent who files a sworn affidavit of
599 parenthood while the child is a dependent child but no later
600 than at the time of or before the adjudicatory hearing in the

601 termination of parental rights proceeding for the child shall be
602 considered a parent for all purposes under this section.

603 (10)~~(9)~~ If the diligent search under subsection (5) fails
604 to identify and locate a prospective parent, the court shall so
605 find and may proceed without further notice.

606 Section 8. This act shall take effect October 1, 2018.