

By Senator Bean

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1 A bill to be entitled
2 An act relating to incarcerated parents; creating s.
3 39.6021, F.S.; requiring the Department of Children
4 and Families to obtain specified information from a
5 facility where a parent is incarcerated under certain
6 circumstances; providing an exception; requiring that
7 a parent who is incarcerated be included in case
8 planning and provided with a copy of the case plan;
9 providing requirements for case plans; specifying that
10 the incarcerated parent is responsible for complying
11 with facility procedures and policies to access
12 services or maintain contact with his or her children
13 as provided in the case plan; requiring the parties to
14 the case plan to move to amend the case plan if a
15 parent becomes incarcerated after a case plan has been
16 developed and the parent's incarceration has an impact
17 on permanency for the child; requiring that the case
18 plan include certain information if the incarcerated
19 parent is released before it expires; requiring the
20 department to include certain information in the case
21 plan if the incarcerated parent does not participate
22 in its preparation; providing construction; providing
23 an effective date.

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

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27 Section 1. Section 39.6021, Florida Statutes, is created to
28 read:

29 39.6021 Case planning when parents are incarcerated or

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30 become incarcerated.—

31 (1) In a case in which the parent is incarcerated, the
32 department shall obtain information from the facility where the
33 parent is incarcerated to determine how the parent can
34 participate in the preparation and completion of the case plan
35 and receive the services that are available to the parent at the
36 facility. This subsection does not apply if the department has
37 determined that a case plan for reunification with the
38 incarcerated parent will not be offered.

39 (2) A parent who is incarcerated must be included in case
40 planning and must be provided a copy of any case plan that is
41 developed.

42 (3) A case plan for a parent who is incarcerated must
43 comply with ss. 39.6011 and 39.6012 to the extent possible, and
44 must give consideration to the regulations of the facility where
45 the parent is incarcerated and to services available at the
46 facility. The department shall attach a list of services
47 available at the facility to the case plan. If the facility does
48 not have a list of available services, the department must note
49 the unavailability of the list in the case plan.

50 (4) The incarcerated parent is responsible for complying
51 with the facility's procedures and policies to access services
52 or maintain contact with his or her children as provided in the
53 case plan.

54 (5) If a parent becomes incarcerated after a case plan has
55 been developed, the parties to the case plan must move to amend
56 the case plan if the parent's incarceration has an impact on
57 permanency for the child, including, but not limited to:

58 (a) Modification of provisions regarding visitation and

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59 contact with the child;

60 (b) Identification of services within the facility; or

61 (c) Changing the permanency goal or establishing a
62 concurrent case plan goal.

63 (6) If an incarcerated parent is released before the case
64 plan expires, the case plan must include tasks that must be
65 completed by the parent and services that must be accessed by
66 the parent upon the parent's release.

67 (7) If the parent does not participate in preparation of
68 the case plan, the department must include in the case plan a
69 full explanation of the circumstances surrounding his or her
70 nonparticipation and must state the nature of the department's
71 efforts to secure the incarcerated parent's participation.

72 (8) This section does not prohibit the department or the
73 court from revising a permanency goal after a parent becomes
74 incarcerated or from determining that a case plan with a goal of
75 reunification may not be offered to a parent. This section may
76 not be interpreted as creating additional obligations for a
77 facility which do not exist in the statutes or regulations
78 governing that facility.

79 Section 2. This act shall take effect July 1, 2018.