

By the Committee on Rules; and Senator Bean

595-02461-18

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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 and if  
20      appropriate; requiring the department to include  
21      certain information in the case plan if the  
22      incarcerated parent does not participate in its  
23      preparation; providing construction; providing an  
24      effective date.

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

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

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30 39.6021 Case planning when parents are incarcerated or  
31 become incarcerated.—

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

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

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

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

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

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59 (a) Modification of provisions regarding visitation and  
60 contact with the child;

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

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

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

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

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

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