

HB 737

2018

1 A bill to be entitled
2 An act relating to termination of parental rights;
3 amending s. 39.8055, F.S.; expanding the grounds for
4 terminating parental rights to include conviction for
5 sexual battery; requiring the court to accept a guilty
6 plea or conviction as conclusive proof that the child
7 was conceived by a violation of criminal law;
8 providing an effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:
11

12 Section 1. Section 39.8055, Florida Statutes, is amended
13 to read:

14 39.8055 Requirement to file a petition to terminate
15 parental rights; exceptions.—

16 (1) The department shall file a petition to terminate
17 parental rights within 60 days after any of the following if:

18 (a) The child is not returned to the physical custody of
19 the parents 12 months after the child was sheltered or
20 adjudicated dependent, whichever occurs first;

21 (b) A petition for termination of parental rights has not
22 otherwise been filed, and the child has been in out-of-home care
23 under the responsibility of the state for 12 of the most recent
24 22 months, calculated on a cumulative basis, but not including
25 any trial home visits or time during which the child was a

26 runaway;

27 (c) A court determines by clear and convincing evidence
28 that the child was conceived as a result of an act of sexual
29 battery made unlawful pursuant to s. 794.011, or pursuant to a
30 similar law of another state, territory, possession, or Native
31 American tribe where the offense occurred. The court must accept
32 a guilty plea or conviction of unlawful sexual battery pursuant
33 to s. 794.011 as conclusive proof that the child was conceived
34 by a violation of criminal law as set forth in this paragraph;

35 (d)~~(e)~~ A parent has been convicted of the murder,
36 manslaughter, aiding or abetting the murder, or conspiracy or
37 solicitation to murder the other parent or another child of the
38 parent, or a felony battery that resulted in serious bodily
39 injury to the child or to another child of the parent; or

40 (e)~~(d)~~ A court determines that reasonable efforts to
41 reunify the child and parent are not required.

42 (2) Notwithstanding subsection (1), the department may
43 choose not to file or join in a petition to terminate the
44 parental rights of a parent if:

45 (a) The child is being cared for by a relative under s.
46 39.6231; or

47 (b) The department has documented in the report to the
48 court a compelling reason for determining that filing such a
49 petition is not in the best interests of the child. Compelling
50 reasons for not filing or joining a petition to terminate

51 | parental rights may include, but are not limited to:

52 | 1. Adoption is not the appropriate permanency goal for the
53 | child.

54 | 2. No grounds to file a petition to terminate parental
55 | rights exist.

56 | 3. The child is an unaccompanied refugee minor as defined
57 | in 45 C.F.R. s. 400.111.

58 | 4. There are international legal obligations or compelling
59 | foreign-policy reasons that would preclude terminating parental
60 | rights.

61 | 5. The department has not provided to the family,
62 | consistent with the time period in the case plan, services that
63 | the department deems necessary for the safe return of the child
64 | to the home.

65 | (3) Upon good cause shown by any party or on its own
66 | motion, the court may review the decision by the department that
67 | compelling reasons exist for not filing or joining a petition
68 | for termination of parental rights.

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