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1 A bill to be entitled  
2 An act relating to child welfare; amending s. 39.001,  
3 F.S.; providing for the name of a child's guardian ad  
4 litem or attorney ad litem to be entered on court  
5 orders in dependency proceedings; amending s. 39.0136,  
6 F.S.; requiring cooperation between certain parties  
7 and the court to achieve permanency for a child as  
8 soon as possible; requiring the Department of Children  
9 and Families to ensure that parents have the  
10 information necessary to contact their case manager;  
11 requiring that a new case manager who is assigned to a  
12 case notify the parent and provide updated contact  
13 information; specifying that continuances and  
14 extensions of time by the court on its own motion may  
15 not exceed a certain period of time; amending s.  
16 39.402, F.S.; specifying that time limitations  
17 governing placement of a child in a shelter do not  
18 include continuances requested by the court; requiring  
19 the court to advise parents in plain language what is  
20 expected of them to achieve reunification with their  
21 child; expanding the requirements that parents must  
22 meet to achieve reunification with their child;  
23 amending s. 39.507, F.S.; requiring the court during  
24 an adjudicatory hearing to advise parents in plain  
25 language of certain requirements to achieve permanency  
26 with their child; expanding the requirements that  
27 parents must meet to achieve reunification with their  
28 child; amending s. 39.521, F.S.; requiring the  
29 department to serve copies of the case plan and the

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30 family functioning assessment on the parents of the  
31 child and provide copies of the plan and assessment to  
32 the other parties; amending s. 39.522, F.S.;  
33 specifying that a postdisposition hearing, if needed,  
34 must occur before a child achieves a permanency  
35 placement; amending s. 39.6011, F.S.; requiring that  
36 the written notice in a case plan include certain  
37 responsibilities and actions required of the parents  
38 and inform the parent that a breach of the case plan  
39 by the parent's action or inaction may result in an  
40 earlier filing of a petition for termination of  
41 parental rights; requiring the department to ensure  
42 that the parent has certain contact information and to  
43 explain certain strategies included in the case plan;  
44 providing a timeframe for referrals for services;  
45 amending s. 39.6012, F.S.; expanding the tasks and  
46 services a case plan must describe; amending s.  
47 39.6013, F.S.; conforming a cross-reference; amending  
48 s. 39.621, F.S.; revising when a court must hold  
49 certain hearings relating to dependency cases;  
50 amending s. 39.806, F.S.; specifying that grounds for  
51 termination of parental rights may be established when  
52 a case plan is materially breached by a parent or  
53 parents' action or inaction; amending s. 39.811, F.S.;  
54 requiring the court to enter a written order of  
55 disposition within a specified timeframe following  
56 termination of parental rights; providing an effective  
57 date.  
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59 Be It Enacted by the Legislature of the State of Florida:

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61 Section 1. Subsection (7) of section 39.001, Florida  
62 Statutes, is amended, and paragraph (j) is added to subsection  
63 (3) of that section, to read:

64 39.001 Purposes and intent; personnel standards and  
65 screening.—

66 (3) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of  
67 the Legislature that the children of this state be provided with  
68 the following protections:

69 (j) The ability to contact their guardian ad litem or  
70 attorney ad litem, if appointed, by having that individual's  
71 name entered on all orders of the court.

72 (7) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—  
73 Parents, custodians, and guardians are deemed by the state to be  
74 responsible for providing their children with sufficient  
75 support, guidance, and supervision. The state further recognizes  
76 that the ability of parents, custodians, and guardians to  
77 fulfill those responsibilities can be greatly impaired by  
78 economic, social, behavioral, emotional, and related problems.  
79 It is therefore the policy of the Legislature that it is the  
80 state's responsibility to ensure that factors impeding the  
81 ability of caregivers to fulfill their responsibilities are  
82 identified through the dependency process and that appropriate  
83 recommendations and services to address those problems are  
84 considered in any judicial or nonjudicial proceeding. The  
85 Legislature also recognizes that time is of the essence for  
86 establishing permanency for a child in the dependency system.  
87 Therefore, parents must take action to comply with the case plan

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88 so permanency with the child may occur within the shortest  
89 period of time possible, but no later than 1 year after removal  
90 or adjudication of the child, including by notifying the parties  
91 and the court of barriers to case plan compliance.

92 Section 2. Section 39.0136, Florida Statutes, is amended to  
93 read:

94 39.0136 Time limitations; continuances.—

95 (1) The Legislature finds that time is of the essence for  
96 establishing permanency for a child in the dependency system.  
97 Time limitations are a right of the child which may not be  
98 waived, extended, or continued at the request of any party  
99 except as provided in this section.

100 (2) (a) All parties and the court must work together to  
101 ensure that permanency is achieved as soon as possible for every  
102 child through timely performance of their responsibilities under  
103 this chapter.

104 (b) The department shall ensure that parents have the  
105 information necessary to contact their case manager. When a new  
106 case manager is assigned to a case, the case manager must make a  
107 timely and diligent effort to notify the parent and provide  
108 updated contact information.

109 (3) ~~(2)~~ The time limitations in this chapter do not include:

110 (a) Periods of delay resulting from a continuance granted  
111 at the request of the child's counsel or the child's guardian ad  
112 litem or, if the child is of sufficient capacity to express  
113 reasonable consent, at the request or with the consent of the  
114 child. The court must consider the best interests of the child  
115 when determining periods of delay under this section.

116 (b) Periods of delay resulting from a continuance granted

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117 at the request of any party if the continuance is granted:

118 1. Because of an unavailability of evidence that is  
119 material to the case if the requesting party has exercised due  
120 diligence to obtain evidence and there are substantial grounds  
121 to believe that the evidence will be available within 30 days.  
122 However, if the requesting party is not prepared to proceed  
123 within 30 days, any other party may move for issuance of an  
124 order to show cause or the court on its own motion may impose  
125 appropriate sanctions, which may include dismissal of the  
126 petition.

127 2. To allow the requesting party additional time to prepare  
128 the case and additional time is justified because of an  
129 exceptional circumstance.

130 (c) Reasonable periods of delay necessary to accomplish  
131 notice of the hearing to the child's parent or legal custodian;  
132 however, the petitioner shall continue regular efforts to  
133 provide notice to the parents during the periods of delay.

134 (4)~~(3)~~ Notwithstanding subsection (3) ~~(2)~~, in order to  
135 expedite permanency for a child, the total time allowed for  
136 continuances or extensions of time, including continuances or  
137 extensions by the court on its own motion, may not exceed 60  
138 days within any 12-month period for proceedings conducted under  
139 this chapter. A continuance or extension of time may be granted  
140 only for extraordinary circumstances in which it is necessary to  
141 preserve the constitutional rights of a party or if substantial  
142 evidence exists to demonstrate that without granting a  
143 continuance or extension of time the child's best interests will  
144 be harmed.

145 (5)~~(4)~~ Notwithstanding subsection (3) ~~(2)~~, a continuance or

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146 an extension of time is limited to the number of days absolutely  
147 necessary to complete a necessary task in order to preserve the  
148 rights of a party or the best interests of a child.

149 Section 3. Paragraph (f) of subsection (14) and subsections  
150 (15) and (18) of section 39.402, Florida Statutes, are amended  
151 to read:

152 39.402 Placement in a shelter.—

153 (14) The time limitations in this section do not include:

154 (f) Continuances or extensions of time may not total more  
155 than 60 days for all parties and the court on its own motion  
156 within any 12-month period during proceedings under this  
157 chapter. A continuance or extension beyond the 60 days may be  
158 granted only for extraordinary circumstances necessary to  
159 preserve the constitutional rights of a party or when  
160 substantial evidence demonstrates that the child's best  
161 interests will be affirmatively harmed without the granting of a  
162 continuance or extension of time.

163 (15) The department, at the conclusion of the shelter  
164 hearing, shall make available to parents or legal custodians  
165 seeking voluntary services, ~~any~~ referral information necessary  
166 for participation in such identified services to allow the  
167 parents or legal custodians to begin the services as soon as  
168 possible. The parents' or legal custodians' participation in the  
169 services may ~~shall~~ not be considered an admission or other  
170 acknowledgment of the allegations in the shelter petition.

171 (18) The court shall advise the parents in plain language  
172 what is expected of them to achieve reunification with their  
173 child, including that:~~;~~

174 (a) Parents must take action to comply with the case plan

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175 so permanency with the child may occur within the shortest  
176 period of time possible, but no later than 1 year after removal  
177 or adjudication of the child.

178 (b) Parents must stay in contact with their attorney and  
179 their case manager and provide updated contact information if  
180 the parents' phone number, address, or e-mail address changes.

181 (c) Parents must notify the parties and the court of  
182 barriers to completing case plan tasks within a reasonable time  
183 after discovering such barriers.

184 (d) If the parents fail to substantially comply with the  
185 case plan, their parental rights may be terminated and that the  
186 child's out-of-home placement may become permanent.

187 Section 4. Paragraph (c) of subsection (7) of section  
188 39.507, Florida Statutes, is amended to read:

189 39.507 Adjudicatory hearings; orders of adjudication.—

190 (7)

191 (c) If a court adjudicates a child dependent and the child  
192 is in out-of-home care, the court shall inquire of the parent or  
193 parents whether the parents have relatives who might be  
194 considered as a placement for the child. The parent or parents  
195 shall provide the court and all parties with identification and  
196 location information for such relatives. The court shall advise  
197 the parents in plain language that:7

198 1. Parents must take action to comply with the case plan so  
199 permanency with the child may occur within the shortest period  
200 of time possible, but no later than 1 year after removal or  
201 adjudication of the child.

202 2. Parents must stay in contact with their attorney and  
203 their case manager and provide updated contact information if

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204 the parents' phone number, address, or e-mail address changes.

205 3. Parents must notify the parties and the court of  
206 barriers to completing case plan tasks within a reasonable time  
207 after discovering such barriers.

208 4. If the parents fail to substantially comply with the  
209 case plan, their parental rights may be terminated and that the  
210 child's out-of-home placement may become permanent. ~~The parent~~  
211 ~~or parents shall provide to the court and all parties~~  
212 ~~identification and location information of the relatives.~~

213 Section 5. Paragraph (a) of subsection (1) of section  
214 39.521, Florida Statutes, is amended to read:

215 39.521 Disposition hearings; powers of disposition.—

216 (1) A disposition hearing shall be conducted by the court,  
217 if the court finds that the facts alleged in the petition for  
218 dependency were proven in the adjudicatory hearing, or if the  
219 parents or legal custodians have consented to the finding of  
220 dependency or admitted the allegations in the petition, have  
221 failed to appear for the arraignment hearing after proper  
222 notice, or have not been located despite a diligent search  
223 having been conducted.

224 (a) A written case plan and a family functioning assessment  
225 prepared by an authorized agent of the department must be  
226 approved by the court. The department must file the case plan  
227 and the family functioning assessment with the court, serve  
228 copies ~~a copy of the case plan~~ on the parents of the child, and  
229 provide copies ~~a copy of the case plan to the representative of~~  
230 ~~the guardian ad litem program, if the program has been~~  
231 ~~appointed, and a copy~~ to all other parties:

232 1. Not less than 72 hours before the disposition hearing,



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233 if the disposition hearing occurs on or after the 60th day after  
234 the date the child was placed in out-of-home care. All such case  
235 plans must be approved by the court.

236 2. Not less than 72 hours before the case plan acceptance  
237 hearing, if the disposition hearing occurs before the 60th day  
238 after the date the child was placed in out-of-home care and a  
239 case plan has not been submitted pursuant to this paragraph, or  
240 if the court does not approve the case plan at the disposition  
241 hearing. The case plan acceptance hearing must occur within 30  
242 days after the disposition hearing to review and approve the  
243 case plan.

244 Section 6. Subsection (1) of section 39.522, Florida  
245 Statutes, is amended to read:

246 39.522 Postdisposition change of custody.—The court may  
247 change the temporary legal custody or the conditions of  
248 protective supervision at a postdisposition hearing, without the  
249 necessity of another adjudicatory hearing.

250 (1) At any time before a child is residing in the permanent  
251 placement approved at the permanency hearing, a child who has  
252 been placed in the child's own home under the protective  
253 supervision of an authorized agent of the department, in the  
254 home of a relative, in the home of a legal custodian, or in some  
255 other place may be brought before the court by the department or  
256 by any other interested person, upon the filing of a motion  
257 ~~petition~~ alleging a need for a change in the conditions of  
258 protective supervision or the placement. If the parents or other  
259 legal custodians deny the need for a change, the court shall  
260 hear all parties in person or by counsel, or both. Upon the  
261 admission of a need for a change or after such hearing, the

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262 court shall enter an order changing the placement, modifying the  
263 conditions of protective supervision, or continuing the  
264 conditions of protective supervision as ordered. The standard  
265 for changing custody of the child shall be the best interest of  
266 the child. When applying this standard, the court shall consider  
267 the continuity of the child's placement in the same out-of-home  
268 residence as a factor when determining the best interests of the  
269 child. If the child is not placed in foster care, then the new  
270 placement for the child must meet the home study criteria and  
271 court approval pursuant to this chapter.

272 Section 7. Present subsections (4) through (8) of section  
273 39.6011, Florida Statutes, are redesignated as subsections (5)  
274 through (9), respectively, paragraph (e) of subsection (2) and  
275 present subsection (6) of that section are amended, and a new  
276 subsection (4) is added to that section, to read:

277 39.6011 Case plan development.—

278 (2) The case plan must be written simply and clearly in  
279 English and, if English is not the principal language of the  
280 child's parent, to the extent possible in the parent's principal  
281 language. Each case plan must contain:

282 (e) A written notice to the parent that it is the parent's  
283 responsibility to take action to comply with the case plan so  
284 permanency with the child may occur within the shortest period  
285 of time possible, but no later than 1 year after removal or  
286 adjudication of the child; the parent must notify the parties  
287 and the court of barriers to completing case plan tasks within a  
288 reasonable time after discovering such barriers if the parties  
289 are not actively working to overcome them; failure of the parent  
290 to substantially comply with the case plan may result in the

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291 termination of parental rights;~~7~~ and ~~that~~ a material breach of  
292 the case plan by the parent's action or inaction may result in  
293 the filing of a petition for termination of parental rights  
294 sooner than the compliance period set forth in the case plan.

295 (4) Before signing the case plan, the department shall  
296 explain the provisions of the plan to all persons involved in  
297 its implementation, including, when appropriate, the child. The  
298 department shall ensure that the parent has contact information  
299 for all entities necessary to complete the tasks in the plan.  
300 The department shall explain the strategies included in the plan  
301 which the parent can use to overcome barriers to case plan  
302 compliance and shall explain that if a barrier is discovered and  
303 the parties are not actively working to overcome such barrier,  
304 the parent must notify the parties and the court within a  
305 reasonable time after discovering such barrier.

306 (7)~~(6)~~ After the case plan has been developed, the  
307 department shall adhere to the following procedural  
308 requirements:

309 (a) If the parent's substantial compliance with the case  
310 plan requires the department to provide services to the parents  
311 or the child and the parents agree to begin compliance with the  
312 case plan before the case plan's acceptance by the court, the  
313 department shall make the appropriate referrals for services  
314 that will allow the parents to begin the agreed-upon tasks and  
315 services immediately.

316 (b) All other referrals for services must be completed as  
317 soon as possible, but no later than 7 days after the date of the  
318 case plan approval, unless the case plan specifies that a task  
319 may not be undertaken until another specified task has been

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320 completed or otherwise approved by the court.

321 (c) ~~(b)~~ After the case plan has been agreed upon and signed  
322 by the parties, a copy of the plan must be given immediately to  
323 the parties, including the child if appropriate, and to other  
324 persons as directed by the court.

325 1. A case plan must be prepared, but need not be submitted  
326 to the court, for a child who will be in care no longer than 30  
327 days unless that child is placed in out-of-home care a second  
328 time within a 12-month period.

329 2. In each case in which a child has been placed in out-of-  
330 home care, a case plan must be prepared within 60 days after the  
331 department removes the child from the home and shall be  
332 submitted to the court before the disposition hearing for the  
333 court to review and approve.

334 3. After jurisdiction attaches, all case plans must be  
335 filed with the court, and a copy provided to all the parties  
336 whose whereabouts are known, not less than 3 business days  
337 before the disposition hearing. The department shall file with  
338 the court, and provide copies to the parties, all case plans  
339 prepared before jurisdiction of the court attached.

340 Section 8. Paragraph (b) of subsection (1) of section  
341 39.6012, Florida Statutes, is amended to read:

342 39.6012 Case plan tasks; services.—

343 (1) The services to be provided to the parent and the tasks  
344 that must be completed are subject to the following:

345 (b) The case plan must describe each of the tasks with  
346 which the parent must comply and the services to be provided to  
347 the parent, specifically addressing the identified problem,  
348 including:

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349 1. The type of services or treatment.

350 2. The date the department will provide each service or  
351 referral for the service if the service is being provided by the  
352 department or its agent.

353 3. The date by which the parent must complete each task.

354 4. The frequency of services or treatment provided. The  
355 frequency of the delivery of services or treatment provided  
356 shall be determined by the professionals providing the services  
357 or treatment on a case-by-case basis and adjusted according to  
358 their best professional judgment.

359 5. The location of the delivery of the services.

360 6. The staff of the department or service provider  
361 accountable for the services or treatment.

362 7. A description of the measurable objectives, including  
363 the timeframes specified for achieving the objectives of the  
364 case plan and addressing the identified problem.

365 8. Strategies to overcome barriers to case plan compliance  
366 and an explanation that the parent must notify the parties and  
367 the court within a reasonable time after discovering a barrier  
368 that the parties are not actively working to overcome such  
369 barrier.

370 Section 9. Subsection (8) of section 39.6013, Florida  
371 Statutes, is amended to read:

372 39.6013 Case plan amendments.—

373 (8) Amendments must include service interventions that are  
374 the least intrusive into the life of the parent and child, must  
375 focus on clearly defined objectives, and must provide the most  
376 efficient path to quick reunification or permanent placement  
377 given the circumstances of the case and the child's need for

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378 safe and proper care. A copy of the amended plan must be  
379 immediately given to the persons identified in s. 39.6011(7)(c)  
380 ~~s. 39.6011(6)(b)~~.

381 Section 10. Present subsection (12) of section 39.621,  
382 Florida Statutes, is redesignated as subsection (11), and  
383 subsection (10) and present subsection (11) of that section are  
384 amended, to read:

385 39.621 Permanency determination by the court.—

386 (10) The permanency placement is intended to continue until  
387 the child reaches the age of majority and may not be disturbed  
388 absent a finding by the court that the circumstances of the  
389 permanency placement are no longer in the best interest of the  
390 child.

391 (a) If, after a child is residing in the permanent  
392 placement approved at the permanency hearing, a parent who has  
393 not had his or her parental rights terminated makes a motion for  
394 reunification or increased contact with the child, the court  
395 shall hold a hearing to determine whether the dependency case  
396 should be reopened and whether there should be a modification of  
397 the order.

398 (b) At the hearing, the parent must demonstrate that the  
399 safety, well-being, and physical, mental, and emotional health  
400 of the child is not endangered by the modification.

401 (c) ~~(11)~~ The court shall base its decision concerning any  
402 motion by a parent for reunification or increased contact with a  
403 child on the effect of the decision on the safety, well-being,  
404 and physical and emotional health of the child. Factors that  
405 must be considered and addressed in the findings of fact of the  
406 order on the motion must include:

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- 407        1.~~(a)~~ The compliance or noncompliance of the parent with  
408 the case plan;
- 409        2.~~(b)~~ The circumstances which caused the child's dependency  
410 and whether those circumstances have been resolved;
- 411        3.~~(c)~~ The stability and longevity of the child's placement;
- 412        4.~~(d)~~ The preferences of the child, if the child is of  
413 sufficient age and understanding to express a preference;
- 414        5.~~(e)~~ The recommendation of the current custodian; and
- 415        6.~~(f)~~ The recommendation of the guardian ad litem, if one  
416 has been appointed.

417        Section 11. Paragraph (e) of subsection (1) of section  
418 39.806, Florida Statutes, is amended to read:

419        39.806 Grounds for termination of parental rights.—

420        (1) Grounds for the termination of parental rights may be  
421 established under any of the following circumstances:

422        (e) When a child has been adjudicated dependent, a case  
423 plan has been filed with the court, and:

424        1. The child continues to be abused, neglected, or  
425 abandoned by the parent or parents. The failure of the parent or  
426 parents to substantially comply with the case plan for a period  
427 of 12 months after an adjudication of the child as a dependent  
428 child or the child's placement into shelter care, whichever  
429 occurs first, constitutes evidence of continuing abuse, neglect,  
430 or abandonment unless the failure to substantially comply with  
431 the case plan was due to the parent's lack of financial  
432 resources or to the failure of the department to make reasonable  
433 efforts to reunify the parent and child. The 12-month period  
434 begins to run only after the child's placement into shelter care  
435 or the entry of a disposition order placing the custody of the

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436 child with the department or a person other than the parent and  
437 the court's approval of a case plan having the goal of  
438 reunification with the parent, whichever occurs first; or

439 2. The parent or parents have materially breached the case  
440 plan by their action or inaction. Time is of the essence for  
441 permanency of children in the dependency system. In order to  
442 prove the parent or parents have materially breached the case  
443 plan, the court must find by clear and convincing evidence that  
444 the parent or parents are unlikely or unable to substantially  
445 comply with the case plan before time to comply with the case  
446 plan expires.

447 3. The child has been in care for any 12 of the last 22  
448 months and the parents have not substantially complied with the  
449 case plan so as to permit reunification under s. 39.522(2)  
450 unless the failure to substantially comply with the case plan  
451 was due to the parent's lack of financial resources or to the  
452 failure of the department to make reasonable efforts to reunify  
453 the parent and child.

454 Section 12. Subsection (5) of section 39.811, Florida  
455 Statutes, is amended to read:

456 39.811 Powers of disposition; order of disposition.—

457 (5) If the court terminates parental rights, the court  
458 shall enter a written order of disposition within 30 days after  
459 conclusion of the hearing briefly stating the facts upon which  
460 its decision to terminate the parental rights is made. An order  
461 of termination of parental rights, whether based on parental  
462 consent or after notice served as prescribed in this part,  
463 permanently deprives the parents of any right to the child.

464 Section 13. This act shall take effect October 1, 2019.