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1
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:

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.