

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Roach offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 52-581 and insert:

6 Section 1. This act may be cited as "A Year is a Long Time
7 in the Life of a Child Act."

8 Section 2. Subsection (7) of section 39.001, Florida
9 Statutes, is amended, and paragraph (j) is added to subsection
10 (3) of that section, to read:

11 39.001 Purposes and intent; personnel standards and
12 screening.—

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

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

19 (7) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—
20 Parents, custodians, and guardians are deemed by the state to be
21 responsible for providing their children with sufficient
22 support, guidance, and supervision. The state further recognizes
23 that the ability of parents, custodians, and guardians to
24 fulfill those responsibilities can be greatly impaired by
25 economic, social, behavioral, emotional, and related problems.
26 It is therefore the policy of the Legislature that it is the
27 state's responsibility to ensure that factors impeding the
28 ability of caregivers to fulfill their responsibilities are
29 identified through the dependency process and that appropriate
30 recommendations and services to address those problems are
31 considered in any judicial or nonjudicial proceeding. The
32 Legislature also recognizes that time is of the essence for
33 establishing permanency for a child in the dependency system.
34 Therefore, parents must take action to comply with the case
35 plan, including notifying the parties and the court of barriers
36 to case plan compliance, so permanency for the child may occur
37 within the shortest period of time possible, but not more than 1
38 year after removal or adjudication of the child.

39 Section 3. Subsections (2), (3), and (4) of section
40 39.0136, Florida Statutes, are amended and renumbered as

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41 subsections (3), (4), and (5), respectively, and a new
42 subsection (2) is added to that section, to read:

43 39.0136 Time limitations; continuances.—

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

48 (b) The department shall ensure that parents have the
49 information necessary to contact their case manager. When a new
50 case manager is assigned to a case, the case manager shall make
51 a timely and diligent effort to notify the parent and provide
52 updated contact information.

53 (3) ~~(2)~~ The time limitations in this chapter do not
54 include:

55 (a) Periods of delay resulting from a continuance granted
56 at the request of the child's counsel or the child's guardian ad
57 litem or, if the child is of sufficient capacity to express
58 reasonable consent, at the request or with the consent of the
59 child. The court must consider the best interests of the child
60 when determining periods of delay under this section.

61 (b) Periods of delay resulting from a continuance granted
62 at the request of any party if the continuance is granted:

63 1. Because of an unavailability of evidence that is
64 material to the case if the requesting party has exercised due
65 diligence to obtain evidence and there are substantial grounds

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66 to believe that the evidence will be available within 30 days.
67 However, if the requesting party is not prepared to proceed
68 within 30 days, any other party may move for issuance of an
69 order to show cause or the court on its own motion may impose
70 appropriate sanctions, which may include dismissal of the
71 petition.

72 2. To allow the requesting party additional time to
73 prepare the case and additional time is justified because of an
74 exceptional circumstance.

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

79 ~~(4)-(3)~~ Notwithstanding subsection (3) ~~(2)~~, in order to
80 expedite permanency for a child, the total time allowed for
81 continuances or extensions of time, including continuances or
82 extensions by the court on its own motion, may not exceed 60
83 days within any 12-month period for proceedings conducted under
84 this chapter. A continuance or extension of time may be granted
85 only for extraordinary circumstances in which it is necessary to
86 preserve the constitutional rights of a party or if substantial
87 evidence exists to demonstrate that without granting a
88 continuance or extension of time the child's best interests will
89 be harmed.

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90 ~~(5)(4)~~ Notwithstanding subsection ~~(3)~~ ~~(2)~~, a continuance
91 or an extension of time is limited to the number of days
92 absolutely necessary to complete a necessary task in order to
93 preserve the rights of a party or the best interests of a child.

94 Section 4. Subsections (14), (15), and (18) of section
95 39.402, Florida Statutes, are amended to read:

96 39.402 Placement in a shelter.—

97 (14) (a) The time limitations in this section do not
98 include:

99 ~~1.(a)~~ Periods of delay resulting from a continuance
100 granted at the request or with the consent of the child's
101 counsel or the child's guardian ad litem, if one has been
102 appointed by the court, or, if the child is of sufficient
103 capacity to express reasonable consent, at the request or with
104 the consent of the child's attorney or the child's guardian ad
105 litem, if one has been appointed by the court, and the child.

106 ~~2.(b)~~ Periods of delay resulting from a continuance
107 granted at the request of any party, if the continuance is
108 granted:

109 ~~a.1.~~ Because of an unavailability of evidence material to
110 the case when the requesting party has exercised due diligence
111 to obtain such evidence and there are substantial grounds to
112 believe that such evidence will be available within 30 days.
113 However, if the requesting party is not prepared to proceed
114 within 30 days, any other party, inclusive of the parent or

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115 legal custodian, may move for issuance of an order to show cause
116 or the court on its own motion may impose appropriate sanctions,
117 which may include dismissal of the petition.

118 ~~b.2.~~ To allow the requesting party additional time to
119 prepare the case and additional time is justified because of an
120 exceptional circumstance.

121 ~~3.(e)~~ Reasonable periods of delay necessary to accomplish
122 notice of the hearing to the child's parents or legal
123 custodians; however, the petitioner shall continue regular
124 efforts to provide notice to the parents or legal custodians
125 during such periods of delay.

126 ~~4.(d)~~ Reasonable periods of delay resulting from a
127 continuance granted at the request of the parent or legal
128 custodian of a subject child.

129 ~~(b)(e)~~ Notwithstanding paragraph (a), ~~the foregoing,~~
130 continuances and extensions of time are limited to the number of
131 days absolutely necessary to complete a necessary task in order
132 to preserve the rights of a party or the best interests of a
133 child. Time is of the essence for the best interests of
134 dependent children in conducting dependency proceedings in
135 accordance with the time limitations set forth in this chapter.
136 Time limitations are a right of the child which may not be
137 waived, extended, or continued at the request of any party in
138 advance of the particular circumstances or need arising upon
139 which delay of the proceedings may be warranted.

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140 (c) ~~(f)~~ Continuances or extensions of time may not total
141 more than 60 days for all parties and the court on its own
142 motion, within any 12-month period during proceedings under this
143 chapter. A continuance or extension beyond the 60 days may be
144 granted only for extraordinary circumstances necessary to
145 preserve the constitutional rights of a party or when
146 substantial evidence demonstrates that the child's best
147 interests will be affirmatively harmed without the granting of a
148 continuance or extension of time.

149 (15) The department, at the conclusion of the shelter
150 hearing, shall make available to parents or legal custodians
151 seeking voluntary services, any referral information necessary
152 for participation in such identified services to allow the
153 parents or legal custodians to begin the services as soon as
154 possible. The parents' or legal custodians' participation in the
155 services shall not be considered an admission or other
156 acknowledgment of the allegations in the shelter petition.

157 (18) The court shall advise the parents or legal
158 custodians in plain language what is expected of them to achieve
159 reunification with their child, including that:

160 (a) Parents or legal custodians must take action to comply
161 with the case plan so permanency for the child may occur within
162 the shortest period of time possible, but no later than 1 year
163 after removal or adjudication of the child.

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164 (b) Parents or legal custodians must stay in contact with
165 their attorney and their case manager, and provide updated
166 contact information if the phone number, address, or e-mail
167 address of the parent or legal custodian changes.

168 (c) Parents or legal custodians must notify the parties
169 and the court of any barriers to completing case plan tasks
170 within a reasonable time after discovering such barriers. ~~that,~~

171 (d) If the parents or legal custodians fail to
172 substantially comply with the case plan, their parental rights
173 may be terminated and that the child's out-of-home placement may
174 become permanent.

175 Section 5. Paragraph (c) of subsection (7) of section
176 39.507, Florida Statutes, is amended to read:

177 39.507 Adjudicatory hearings; orders of adjudication.—

178 (7)

179 (c) If a court adjudicates a child dependent and the child
180 is in out-of-home care, the court shall inquire of the parent or
181 parents whether the parents have relatives who might be
182 considered as a placement for the child. The parent or parents
183 shall provide the court and all parties with identification and
184 location information for such relatives. The court shall advise
185 the parents in plain language that: ~~r~~

186 1. Parents must take action to comply with the case plan
187 so permanency for the child may occur within the shortest period

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188 of time possible, but no later than 1 year after removal or
189 adjudication of the child.

190 2. Parents must stay in contact with their attorney and
191 their case manager, and provide updated contact information if
192 the phone number, address, or e-mail address of the parents
193 changes.

194 3. Parents must notify the parties and the court of any
195 barriers to completing case plan tasks within a reasonable time
196 after discovering such barriers.

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

202 Section 6. Paragraph (a) of subsection (1) of section
203 39.521, Florida Statutes, is amended to read:

204 39.521 Disposition hearings; powers of disposition.—

205 (1) A disposition hearing shall be conducted by the court,
206 if the court finds that the facts alleged in the petition for
207 dependency were proven in the adjudicatory hearing, or if the
208 parents or legal custodians have consented to the finding of
209 dependency or admitted the allegations in the petition, have
210 failed to appear for the arraignment hearing after proper
211 notice, or have not been located despite a diligent search
212 having been conducted.

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213 (a) A written case plan and a family functioning
214 assessment prepared by an authorized agent of the department
215 must be approved by the court. The department must file the case
216 plan and the family functioning assessment with the court, serve
217 copies ~~a copy of the case plan~~ on the parents of the child, and
218 provide copies ~~a copy of the case plan to the representative of~~
219 ~~the guardian ad litem program, if the program has been~~
220 ~~appointed, and a copy~~ to all other parties:

221 1. Not less than 72 hours before the disposition hearing,
222 if the disposition hearing occurs on or after the 60th day after
223 the date the child was placed in out-of-home care. All such case
224 plans must be approved by the court.

225 2. Not less than 72 hours before the case plan acceptance
226 hearing, if the disposition hearing occurs before the 60th day
227 after the date the child was placed in out-of-home care and a
228 case plan has not been submitted pursuant to this paragraph, or
229 if the court does not approve the case plan at the disposition
230 hearing. The case plan acceptance hearing must occur within 30
231 days after the disposition hearing to review and approve the
232 case plan.

233 Section 7. Subsection (1) of section 39.522, Florida
234 Statutes, is amended to read:

235 39.522 Postdisposition change of custody.—The court may
236 change the temporary legal custody or the conditions of

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237 protective supervision at a postdisposition hearing, without the
238 necessity of another adjudicatory hearing.

239 (1) At any time before a child is residing in the
240 permanency placement approved at the permanency hearing, a child
241 who has been placed in the child's own home under the protective
242 supervision of an authorized agent of the department, in the
243 home of a relative, in the home of a legal custodian, or in some
244 other place may be brought before the court by the department or
245 by any other interested person, upon the filing of a motion
246 ~~petition~~ alleging a need for a change in the conditions of
247 protective supervision or the placement. If the parents or other
248 legal custodians deny the need for a change, the court shall
249 hear all parties in person or by counsel, or both. Upon the
250 admission of a need for a change or after such hearing, the
251 court shall enter an order changing the placement, modifying the
252 conditions of protective supervision, or continuing the
253 conditions of protective supervision as ordered. The standard
254 for changing custody of the child shall be the best interest of
255 the child. When applying this standard, the court shall consider
256 the continuity of the child's placement in the same out-of-home
257 residence as a factor when determining the best interests of the
258 child. If the child is not placed in foster care, then the new
259 placement for the child must meet the home study criteria and
260 court approval pursuant to this chapter.

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261 Section 8. Subsections (4) through (8) of section 39.6011,
262 Florida Statutes, are renumbered as subsections (5) through (9),
263 respectively, and subsections (2) and (3), and present
264 subsection (6) of that section are amended, to read:

265 39.6011 Case plan development.—

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

270 (a) A description of the identified problem being
271 addressed, including the parent's behavior or acts resulting in
272 risk to the child and the reason for the intervention by the
273 department.

274 (b) The permanency goal.

275 (c) If concurrent planning is being used, a description of
276 the permanency goal of reunification with the parent or legal
277 custodian in addition to a description of one of the remaining
278 permanency goals described in s. 39.01.

279 1. If a child has not been removed from a parent, but is
280 found to be dependent, even if adjudication of dependency is
281 withheld, the court may leave the child in the current placement
282 with maintaining and strengthening the placement as a permanency
283 option.

284 2. If a child has been removed from a parent and is placed
285 with a parent from whom the child was not removed, the court may

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286 leave the child in the placement with the parent from whom the
287 child was not removed with maintaining and strengthening the
288 placement as a permanency option.

289 3. If a child has been removed from a parent and is
290 subsequently reunified with that parent, the court may leave the
291 child with that parent with maintaining and strengthening the
292 placement as a permanency option.

293 (d) The date the compliance period expires. The case plan
294 must be limited to as short a period as possible for
295 accomplishing its provisions. The plan's compliance period
296 expires no later than 12 months after the date the child was
297 initially removed from the home, the child was adjudicated
298 dependent, or the date the case plan was accepted by the court,
299 whichever occurs first.

300 (e) A written notice to the parent that:

301 1. It is the parent's responsibility to take action to
302 comply with the case plan so permanency for the child may occur
303 within the shortest period of time possible, but no later than 1
304 year after removal or adjudication of the child.

305 2. The parent must notify the parties and the court of
306 barriers to completing case plan tasks within a reasonable time
307 after discovering such barriers if the parties are not actively
308 working to overcome them.

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309 3. Failure of the parent to substantially comply with the
310 case plan may result in the termination of parental rights, ~~and~~
311 ~~that~~

312 4. A material breach of the case plan by the parent's
313 action or inaction may result in the filing of a petition for
314 termination of parental rights sooner than the compliance period
315 set forth in the case plan.

316 (3) The case plan must be signed by all parties, except
317 that the signature of a child may be waived if the child is not
318 of an age or capacity to participate in the case-planning
319 process. Signing the case plan constitutes an acknowledgment
320 that the case plan has been developed by the parties and that
321 they are in agreement as to the terms and conditions contained
322 in the case plan. The refusal of a parent to sign the case plan
323 does not prevent the court from accepting the case plan if the
324 case plan is otherwise acceptable to the court. Signing the case
325 plan does not constitute an admission to any allegation of
326 abuse, abandonment, or neglect and does not constitute consent
327 to a finding of dependency or termination of parental rights.

328 (4) Before signing the case plan, the department shall
329 explain the provisions of the plan to all persons involved in
330 its implementation, including, when appropriate, the child. The
331 department shall ensure that the parent has contact information
332 for all entities necessary to complete the tasks in the plan.
333 The department shall explain the strategies included in the plan

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334 that the parent can use to overcome barriers to case plan
335 compliance and that if a barrier is discovered and the parties
336 are not actively working to overcome such barrier, the parent
337 must notify the parties and the court within a reasonable time
338 after discovering such barrier.

339 (7)~~(6)~~ After the case plan has been developed, the
340 department shall adhere to the following procedural
341 requirements:

342 (a) If the parent's substantial compliance with the case
343 plan requires the department to provide services to the parents
344 or the child and the parents agree to begin compliance with the
345 case plan before the case plan's acceptance by the court, the
346 department shall make the appropriate referrals for services
347 that will allow the parents to begin the agreed-upon tasks and
348 services immediately.

349 (b) All other referrals for services shall be completed as
350 soon as possible, but no later than 7 days after the date of the
351 case plan approval, unless the case plan specifies that a task
352 may not be undertaken until another specified task has been
353 completed or otherwise approved by the court.

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

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

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

367 3. After jurisdiction attaches, all case plans must be
368 filed with the court, and a copy provided to all the parties
369 whose whereabouts are known, not less than 3 business days
370 before the disposition hearing. The department shall file with
371 the court, and provide copies to the parties, all case plans
372 prepared before jurisdiction of the court attached.

373 Section 9. Paragraph (b) of subsection (1) of section
374 39.6012, Florida Statutes, is amended to read:

375 39.6012 Case plan tasks; services.—

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

378 (b) The case plan must describe each of the tasks with
379 which the parent must comply and the services to be provided to
380 the parent, specifically addressing the identified problem,
381 including:

382 1. The type of services or treatment.

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383 2. The date the department will provide each service or
384 referral for the service if the service is being provided by the
385 department or its agent.

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

387 4. The frequency of services or treatment provided. The
388 frequency of the delivery of services or treatment provided
389 shall be determined by the professionals providing the services
390 or treatment on a case-by-case basis and adjusted according to
391 their best professional judgment.

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

393 6. The staff of the department or service provider
394 accountable for the services or treatment.

395 7. A description of the measurable objectives, including
396 the timeframes specified for achieving the objectives of the
397 case plan and addressing the identified problem.

398 8. Strategies to overcome barriers to case plan compliance
399 and an explanation that the parent must notify the parties and
400 the court within a reasonable time of discovering a barrier that
401 the parties are not actively working to overcome.

402 Section 10. Subsection (8) of section 39.6013, Florida
403 Statutes, is amended to read:

404 39.6013 Case plan amendments.—

405 (8) Amendments must include service interventions that are
406 the least intrusive into the life of the parent and child, must
407 focus on clearly defined objectives, and must provide the most

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408 efficient path to quick reunification or permanent placement
409 given the circumstances of the case and the child's need for
410 safe and proper care. A copy of the amended plan must be
411 immediately given to the persons identified in s. 39.6011(7)(c)
412 ~~s. 39.6011(6)(b)~~.

413 Section 11. Subsection (10) of section 39.621, Florida
414 Statutes, is amended to read:

415 39.621 Permanency determination by the court.—

416 (10) The permanency placement is intended to continue
417 until the child reaches the age of majority and may not be
418 disturbed absent a finding by the court that the circumstances
419 of the permanency placement are no longer in the best interest
420 of the child.

421 (a) If, after a child is residing in the permanency
422 placement approved at the permanency hearing, a parent who has
423 not had his or her parental rights terminated makes a motion for
424 reunification or increased contact with the child, the court
425 shall hold a hearing to determine whether the dependency case
426 should be reopened and whether there should be a modification of
427 the order.

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

431 (c) ~~(11)~~ The court shall base its decision concerning any
432 motion by a parent for reunification or increased contact with a

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433 child on the effect of the decision on the safety, well-being,
434 and physical, mental, and emotional health of the child. Factors
435 that must be considered and addressed in the findings of fact of
436 the order on the motion must include all of the following:

437 1.(a) The compliance or noncompliance of the parent with
438 the case plan.~~†~~

439 2.(b) The circumstances which caused the child's
440 dependency and whether those circumstances have been resolved.~~†~~

441 3.(c) The stability and longevity of the child's
442 placement.~~†~~

443 4.(d) The preferences of the child, if the child is of
444 sufficient age and understanding to express a preference.~~†~~

445 5.(e) The recommendation of the current custodian.~~†~~~~and~~

446 6.(f) The recommendation of the guardian ad litem, if one
447 has been appointed.

448

449

450 **T I T L E A M E N D M E N T**

451 Remove lines 3-43 and insert:

452 providing a short title; amending s. 39.001, F.S.;

453 revising purposes of the chapter; requiring specified

454 information on court orders by certain parties;

455 requiring parents to take action to comply with the

456 case plan within a specified time; amending s.

457 39.0136, F.S.; requiring that the timely performance

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458 of responsibilities is achieved by all parties and the
459 court; requiring the Department of Children and
460 Families to ensure that parents have the necessary
461 information to contact the designated case manager;
462 requiring a new case manager to timely notify and
463 provide parents with updated contact information;
464 providing that motions by the court count towards the
465 time allowed for continuances or time extensions;
466 amending s. 39.402, F.S.; providing that certain
467 notice requirements to parents and legal custodians be
468 in plain language; providing requirements for such
469 notice; amending s. 39.507, F.S.; requiring parents to
470 provide certain information about relatives who might
471 be considered for out-of-home care; requiring the
472 court to advise parents in plain language of certain
473 responsibilities; amending s. 39.521, F.S.; requiring
474 the department to serve copies of the case plan and
475 family functioning assessment on the parents and
476 provide copies to all other parties; amending s.
477 39.522, F.S.; requiring that a motion to change
478 placement of a child be made before a child is
479 residing in the approved permanency placement;
480 amending s. 39.6011, F.S.; providing requirements for
481 a child's case plan; requiring the department to
482 provide certain information to the parents before

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483 signing the case plan; providing a timeframe for the
484 completion of referrals for services; amending s.
485 39.6012, F.S.; requiring the case plan to describe
486 strategies to overcome barriers to case plan
487 compliance; amending s. 39.6013, F.S.; conforming a
488 cross-reference; amending s. 39.621, F.S.; requiring
489 the court to hold a hearing if a parent makes a
490 certain motion after a child is residing in the
491 approved permanency placement; amending s. 39.806,
492 F.S.;

493