

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Busatta Cabrera offered the following:

Amendment to Amendment (595537)

Remove lines 1316-1364 and insert:

court-selected neutral and independent licensed professional with expertise in the science and research of child-parent bonding.

3. This presumption may not be rebutted solely by the expressed wishes of a biological parent, a biological relative, or a caregiver of a sibling of the child.

(c)1. The department or community-based care lead agency must notify a current caregiver who has been in the physical custody placement for at least 9 consecutive months and who

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14 meets all the established criteria in paragraph (b) of an intent
15 to change the physical custody of the child, and a
16 multidisciplinary team staffing must be held in accordance with
17 ss. 39.4022 and 39.4023 at least 21 days before the intended
18 date for the child's change in physical custody, unless there is
19 an emergency situation as defined in s. 39.4022(2)(b). If there
20 is not a unanimous consensus decision reached by the
21 multidisciplinary team, the department's official position must
22 be provided to the parties within the designated time period as
23 provided for in s. 39.4022.

24 2. A caregiver who objects to the department's official
25 position on the change in physical custody must notify the court
26 and the department or community-based care lead agency of his or
27 her objection and the intent to request an evidentiary hearing
28 in writing in accordance with this section within 5 days after
29 receiving notice of the department's official position provided
30 under subparagraph 1. The transition of the child to the new
31 caregiver may not begin before the expiration of the 5-day
32 period within which the current caregiver may object.

33 3. Upon the department or community-based care lead agency
34 receiving written notice of the caregiver's objection, the
35 change to the child's physical custody must be placed in
36 abeyance and the child may not be transitioned to a new physical
37 placement without a court order, unless there is an emergency
38 situation as defined in s. 39.4022(2)(b).

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39 4. Within 7 days after receiving written notice from the
40 caregiver, the court must conduct an initial case status
41 hearing, at which time the court must:

42 a. Grant party status to the current caregiver who is
43 seeking permanent custody and has maintained physical custody of
44 that child for at least 9 continuous months for the limited
45 purpose of filing a motion for a hearing on the objection and
46 presenting evidence pursuant to this subsection;

47 b. Appoint an attorney for the child who is the subject of
48 the permanent custody proceeding, in addition to the guardian ad
49 litem, if one is appointed;

50 c. Advise the caregiver of his or her right to retain
51 counsel for purposes of the evidentiary hearing; and

52 d. Appoint a court-selected neutral and independent
53 licensed professional with expertise in the science and research
54 of child-parent bonding.

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