

1 A bill to be entitled
2 An act relating to siblings placed in out-of-home
3 care; amending s. 39.4024, F.S.; providing for the
4 importance of visitation, and not just contact,
5 between siblings who have been separated; authorizing
6 a sibling who is separated from his or her other
7 siblings to file a specified motion; providing
8 standing; requiring the court to hold a hearing, take
9 evidence, and hear arguments if a motion for sibling
10 visitation or contact is contested; prohibiting the
11 court from denying such a motion unless certain
12 circumstances exist; requiring the immediate provision
13 of certain services under certain circumstances;
14 authorizing certain parties to appeal the court order
15 in a specified manner; prohibiting a court from
16 restricting sibling visitation or contact without the
17 need for a motion; amending s. 39.6221, F.S.;
18 providing that a court retains jurisdiction over a
19 dependent child in a permanent guardianship for
20 certain purposes relating to sibling visitation or
21 contact; amending s. 63.0427, F.S.; prohibiting the
22 court from denying postadoption visitation or contact
23 between siblings unless certain circumstances exist;
24 requiring the immediate provision of certain services
25 under certain circumstances; specifying that certain

26 factors must be considered for postadoption visitation
 27 or contact between an adopted child and certain
 28 persons; providing that a court retains jurisdiction
 29 over an adopted child for certain purposes until the
 30 child is a specified age; amending s. 63.093, F.S.;
 31 revising the required response the Department of
 32 Children and Families or a community-based care lead
 33 agency must provide to a prospective adoptive parent;
 34 providing an effective date.

35

36 Be It Enacted by the Legislature of the State of Florida:

37

38 **Section 1. Subsection (4), paragraph (b) of subsection**
 39 **(5), and paragraphs (b) and (c) of subsection (6) of section**
 40 **39.4024, Florida Statutes, are amended to read:**

41 39.4024 Placement of siblings; visitation; continuing
 42 contact.—

43 (4) MAINTAINING VISITATION OR CONTACT WHEN SIBLINGS ARE
 44 SEPARATED.—

45 (a) Regular visitation or contact among a sibling group
 46 that cannot be placed together, especially among siblings with
 47 existing attachments to each other, is critical for the siblings
 48 to maintain their existing bonds and relationships or to develop
 49 such bonds and attachments, if appropriate. The following
 50 practices must be considered in helping to maintain or

51 | strengthen the relationships of separated siblings:

52 | 1. Respect and support the child's ties to his or her
53 | birth or legal family, including parents, siblings, and extended
54 | family members, must be provided by the caregiver, and he or she
55 | must assist the child in maintaining allowable visitation and
56 | other forms of communication. The department and lead agency
57 | shall provide a caregiver with the information, guidance,
58 | training, and support necessary for fulfilling this
59 | responsibility.

60 | 2. Provide adequate support to address any caregiver
61 | concerns and to enhance the caregiver's ability to facilitate
62 | visitation or contact between siblings who are not in the same
63 | out-of-home placement and promote the benefits of sibling
64 | contact.

65 | 3. Prioritize placements with kinship caregivers who have
66 | an established personal relationship with each child so that
67 | even when siblings cannot be placed together in the same home,
68 | kinship caregivers are more likely to facilitate visitation or
69 | contact.

70 | 4. Prioritize placement of siblings geographically near
71 | each other, such as in the same neighborhood or school district,
72 | to make it easier for the siblings to have regular visitation or
73 | contact ~~see each other regularly~~.

74 | 5. Encourage frequent and regular visitation, if the
75 | siblings choose to do so, to allow the children to be actively

76 involved in each other's lives and to participate in
77 celebrations, including, but not limited to, birthdays,
78 graduations, holidays, school and extracurricular activities,
79 cultural customs, and other milestones.

80 6. Provide other forms of contact when regular in-person
81 meetings are not possible or are not sufficient to meet the
82 needs or desires of the siblings, such as maintaining frequent
83 contact through letters, e-mail, social media, cards, or
84 telephone calls.

85 7. Coordinate, when possible, joint outings or summer or
86 weekend camp experiences to facilitate time together, including,
87 but not limited to, activities or camps specifically designed
88 for siblings in out-of-home care.

89 8. Encourage joint respite care to assist the caregivers
90 who are caring for separated siblings to have needed breaks
91 while also facilitating visitation or contact among the
92 siblings, including, but not limited to, providing babysitting
93 or respite care for each other. A child being moved temporarily
94 as respite care for the purpose of providing the primary
95 caregiver relief and encouraging and facilitating visitation or
96 contact among the siblings does not constitute a placement
97 change or require the convening of a multidisciplinary team.

98 9. Prohibit the withholding of ~~communication or~~ visitation
99 or contact among the siblings as a form of punishment.

100 (b)1. A sibling who is separated from his or her other

101 siblings due to a placement or adoption made pursuant to this
102 chapter may file a motion for sibling visitation or contact in a
103 court with jurisdiction over one or more of the siblings. A
104 sibling within a sibling group has standing to file such motion,
105 obtain discovery, present evidence, and make arguments in
106 support of the request for sibling visitation or contact
107 regardless of his or her status as a party or participant in the
108 case for which the motion was filed.

109 2. If a motion for sibling visitation or contact is
110 contested, the court must hold a hearing, take evidence, and
111 hear arguments from all of the siblings in the sibling group and
112 the parties. The court may not deny a motion for sibling
113 visitation or contact unless it finds by clear and convincing
114 evidence that such visitation or contact is contrary to the
115 safety and well-being of one or more of the siblings. The court
116 must render a written order of its decision. If the court denies
117 sibling visitation or contact, but services are available which
118 would reasonably be expected to ameliorate the risk to the
119 sibling's safety or well-being, the court must direct the
120 department or the community-based care lead agency to provide
121 such services immediately in order to restore visitation or
122 contact between the siblings.

123 3. A sibling, a party to the proceeding who is affected by
124 a court order issued under this paragraph, or the department may
125 appeal the court's decision to the appropriate district court of

126 appeal with the time and in the manner prescribed by the Florida
 127 Rules of Appellate Procedure.

128 (c)-(b) Regardless of whether a motion is filed under
 129 paragraph (b), the court may not limit or restrict ~~communication~~
 130 ~~or~~ visitation or contact under this subsection unless there is a
 131 finding that the ~~communication or~~ visitation or contact between
 132 the child and his or her siblings is contrary to the safety or
 133 well-being of the child. If the court makes such a finding, and
 134 services are available that would reasonably be expected to
 135 ameliorate the risk to the child's safety or well-being that are
 136 the basis of the court's finding and that may result in the
 137 ~~communication and~~ visitation or contact being restored, the
 138 court must direct the department or community-based care lead
 139 agency to immediately provide such services.

140 (5) SUBSEQUENT REVIEWS.—

141 (b) If a child in a sibling group who has been placed in
 142 an out-of-home care placement with his or her siblings does not
 143 adjust to the placement, the lead agency must provide services
 144 to the caregiver and sibling group in accordance with s.
 145 39.4023(3) to try to prevent the disruption of the placement. If
 146 after reasonable efforts are made under s. 39.4023(3), the child
 147 still has not adjusted to the out-of-home placement, a
 148 multidisciplinary team staffing must be convened to determine
 149 what is best for all of the children. The multidisciplinary team
 150 shall review the current placement of the sibling group and

151 choose a plan that will be least detrimental to each child. If
152 the team determines that the best decision is to move the child
153 who has not adjusted to a new out-of-home placement, the team
154 must develop a transition plan in accordance with ss. 39.4022
155 and 39.4023 which ensures the opportunity for the siblings to
156 maintain visitation or contact in accordance with subsection (4)
157 ~~of this section.~~

158 (6) ADDITIONAL REQUIREMENTS AND CONSIDERATIONS.—

159 (b)1. If a child's sibling is also in out-of-home care and
160 such sibling leaves out-of-home care due to emancipation or
161 reunification with his or her parent or guardian, the child must
162 be allowed visitation or contact ~~to communicate~~ with that
163 emancipated or reunified sibling, if the emancipated sibling or
164 the reunified sibling and his or her parent consent.

165 2. If a child's sibling is also in out-of-home care and
166 such sibling leaves out-of-home care for any reason, including,
167 but not limited to, the reasons in subparagraph 1. and
168 visitation or contact ~~communication~~ is not occurring, the child
169 has a right to have the court consider the appropriateness of
170 continued visitation or contact ~~communication~~ with his or her
171 sibling. The court shall consider the recommendation of the
172 department or community-based care lead agency and any other
173 information deemed relevant by the court.

174 3. If a child's sibling leaves out-of-home care because he
175 or she is adopted, the child may be allowed to have continued

176 visitation or contact ~~communication~~ with the sibling ~~either by~~
 177 ~~consent of the adoptive parent or by order of the court in~~
 178 accordance with subsection (4) or s. 63.0427.

179 (c) The department or the lead agency must document in
 180 writing any decision to separate siblings in the case file as
 181 required in s. 39.00146 and document the decision in the Florida
 182 Safe Families Network. The documentation must include any
 183 efforts made to keep the siblings together, an assessment of the
 184 short-term and long-term effects of separation on each child and
 185 the sibling group as a whole, and a description of the plan for
 186 visitation ~~communication~~ or contact between the children if
 187 separation is approved.

188 **Section 2. Subsection (5) of section 39.6221, Florida**
 189 **Statutes, is amended to read:**

190 39.6221 Permanent guardianship of a dependent child.—

191 (5) The court shall retain jurisdiction over the case and
 192 the child shall remain in the custody of the permanent guardian
 193 unless the order creating the permanent guardianship is modified
 194 by the court. The court also retains jurisdiction to hear a
 195 sibling's motion for visitation or contact filed pursuant to s.
 196 39.4024(4)(b), and the court may issue an order establishing or
 197 modifying sibling visitation or contact without modifying the
 198 guardianship. The court shall discontinue regular review
 199 hearings and relieve the department of the responsibility for
 200 supervising the placement of the child. Notwithstanding ~~Not~~

201 ~~withstanding~~ the retention of jurisdiction by the court, a child
202 who is placed in a permanent guardianship is considered to have
203 reached permanency ~~the placement shall be considered permanency~~
204 ~~for the child.~~

205 **Section 3. Section 63.0427, Florida Statutes, is amended**
206 **to read:**

207 63.0427 ~~Agreements for~~ Continued visitation ~~communication~~
208 or contact between adopted child and siblings, parents, and
209 other relatives.—

210 (1) A child whose parents have had their parental rights
211 terminated and whose custody has been awarded to the department
212 pursuant to s. 39.811, and who is the subject of a petition for
213 adoption under this chapter, has ~~shall have~~ the right to have
214 the court consider the appropriateness of postadoption
215 visitation ~~communication~~ or contact, including, but not limited
216 to, visits, written correspondence, or telephone calls, with his
217 or her siblings ~~or, upon agreement of the adoptive parents,~~ with
218 the parents who have had their parental rights terminated, or
219 with other specified biological relatives.

220 (2) The court may not deny postadoption visitation or
221 contact between siblings unless it finds by clear and convincing
222 evidence that such visitation or contact is contrary to the
223 safety and well-being of one or more of the siblings. If the
224 court denies postadoption visitation or contact between
225 siblings, but services are available which would reasonably be

226 expected to ameliorate the risk to the sibling's safety or well-
 227 being, the court must direct the department or the community-
 228 based care lead agency to provide such services immediately in
 229 order to restore visitation or contact between the siblings.

230 (3) With regard to postadoption visitation or contact
 231 between an adopted child and parents who have had their parental
 232 rights terminated or other specified biological relatives, the
 233 court shall consider all of the following in making such
 234 determination:

235 (a) Any orders of the court pursuant to s. 39.811(7).

236 (b) Recommendations of the department, the foster parents
 237 if other than the adoptive parents, and the guardian ad litem.

238 (c) Statements of the prospective adoptive parents.

239 (d) Any other information deemed relevant and material by
 240 the court.

241 (4) If the court determines that the child's best
 242 interests will be served by postadoption visitation
 243 ~~communication~~ or contact, the court shall so order, stating the
 244 nature and frequency of the visitation ~~communication~~ or contact.
 245 This order shall be made a part of the final adoption order, but
 246 the continuing validity of the adoption may not be contingent
 247 upon such postadoption visitation ~~communication~~ or contact and
 248 the ability of the adoptive parents and child to change
 249 residence within or outside the State of Florida may not be
 250 impaired by such visitation ~~communication~~ or contact. The court

251 retains jurisdiction to hear motions to create or modify
 252 postadoption visitation or contact until the child reaches the
 253 age of 18.

254 (5)~~(2)~~ Notwithstanding s. 63.162, the adoptive parent may,
 255 at any time, petition for review of a visitation ~~communication~~
 256 or contact order entered under this section ~~pursuant to~~
 257 ~~subsection (1)~~, if the adoptive parent believes that the best
 258 interests of the adopted child are being compromised, and the
 259 court may order the visitation ~~communication~~ or contact to be
 260 terminated or modified, as the court deems to be in the best
 261 interests of the adopted child.~~;~~ ~~however,~~ The court may not
 262 increase visitation or contact between the adopted child and his
 263 or her siblings, birth parents, or other relatives without the
 264 consent of the adoptive parent or parents. As part of the review
 265 process, the court may order the parties to engage in mediation.
 266 The department is ~~shall~~ not ~~be~~ required to be a party to such
 267 review.

268 **Section 4. Subsection (1) of section 63.093, Florida**
 269 **Statutes, is amended to read:**

270 63.093 Adoption of children from the child welfare
 271 system.—

272 (1) The department or community-based care lead agency as
 273 defined in s. 409.986(3), or its subcontracted agency, must
 274 respond to an initial inquiry from a prospective adoptive parent
 275 within 7 business days after receipt of the inquiry. The

276 | response must inform the prospective adoptive parent of the
277 | adoption process, ~~and~~ the requirements for adopting a child from
278 | the child welfare system, and the expectation that adoptive
279 | parents will ensure that a child maintains visitation or contact
280 | with his or her siblings, as defined in s. 39.01, after the
281 | adoption is finalized.

282 |
283 | Notwithstanding subsections (1) and (2), this section does not
284 | apply to a child adopted through the process provided in s.
285 | 63.082(6).

286 | **Section 5.** This act shall take effect July 1, 2025.