

By Senator Calatayud

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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. 63.093, F.S.; revising the
22 required response the Department of Children and
23 Families or a community-based care lead agency must
24 provide to a prospective adoptive parent; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Subsection (4), paragraph (b) of subsection (5),

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30 and paragraphs (b) and (c) of subsection (6) of section 39.4024,
31 Florida Statutes, are amended to read:

32 39.4024 Placement of siblings; visitation; continuing
33 contact.—

34 (4) MAINTAINING VISITATION OR CONTACT WHEN SIBLINGS ARE
35 SEPARATED.—

36 (a) Regular visitation or contact among a sibling group
37 that cannot be placed together, especially among siblings with
38 existing attachments to each other, is critical for the siblings
39 to maintain their existing bonds and relationships or to develop
40 such bonds and attachments, if appropriate. The following
41 practices must be considered in helping to maintain or
42 strengthen the relationships of separated siblings:

43 1. Respect and support the child's ties to his or her birth
44 or legal family, including parents, siblings, and extended
45 family members, must be provided by the caregiver, and he or she
46 must assist the child in maintaining allowable visitation and
47 other forms of communication. The department and lead agency
48 shall provide a caregiver with the information, guidance,
49 training, and support necessary for fulfilling this
50 responsibility.

51 2. Provide adequate support to address any caregiver
52 concerns and to enhance the caregiver's ability to facilitate
53 visitation or contact between siblings who are not in the same
54 out-of-home placement and promote the benefits of sibling
55 contact.

56 3. Prioritize placements with kinship caregivers who have
57 an established personal relationship with each child so that
58 even when siblings cannot be placed together in the same home,

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59 kinship caregivers are more likely to facilitate visitation or
60 contact.

61 4. Prioritize placement of siblings geographically near
62 each other, such as in the same neighborhood or school district,
63 to make it easier for the siblings to have regular visitation or
64 contact ~~see each other regularly~~.

65 5. Encourage frequent and regular visitation, if the
66 siblings choose to do so, to allow the children to be actively
67 involved in each other's lives and to participate in
68 celebrations, including, but not limited to, birthdays,
69 graduations, holidays, school and extracurricular activities,
70 cultural customs, and other milestones.

71 6. Provide other forms of contact when regular in-person
72 meetings are not possible or are not sufficient to meet the
73 needs or desires of the siblings, such as maintaining frequent
74 contact through letters, e-mail, social media, cards, or
75 telephone calls.

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

80 8. Encourage joint respite care to assist the caregivers
81 who are caring for separated siblings to have needed breaks
82 while also facilitating visitation or contact among the
83 siblings, including, but not limited to, providing babysitting
84 or respite care for each other. A child being moved temporarily
85 as respite care for the purpose of providing the primary
86 caregiver relief and encouraging and facilitating visitation or
87 contact among the siblings does not constitute a placement

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88 change or require the convening of a multidisciplinary team.

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

91 (b)1. A sibling who is separated from his or her other
92 siblings due to a placement or adoption made pursuant to this
93 chapter may file a motion for sibling visitation or contact in a
94 court with jurisdiction over one or more of the siblings. A
95 sibling within a sibling group has standing to file such motion,
96 obtain discovery, present evidence, and make arguments in
97 support of the request for sibling visitation or contact
98 regardless of his or her status as a party or participant in the
99 case for which the motion was filed.

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

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

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117 appeal with the time and in the manner prescribed by the Florida
118 Rules of Appellate Procedure.

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

131 (5) SUBSEQUENT REVIEWS.—

132 (b) If a child in a sibling group who has been placed in an
133 out-of-home care placement with his or her siblings does not
134 adjust to the placement, the lead agency must provide services
135 to the caregiver and sibling group in accordance with s.
136 39.4023(3) to try to prevent the disruption of the placement. If
137 after reasonable efforts are made under s. 39.4023(3), the child
138 still has not adjusted to the out-of-home placement, a
139 multidisciplinary team staffing must be convened to determine
140 what is best for all of the children. The multidisciplinary team
141 shall review the current placement of the sibling group and
142 choose a plan that will be least detrimental to each child. If
143 the team determines that the best decision is to move the child
144 who has not adjusted to a new out-of-home placement, the team
145 must develop a transition plan in accordance with ss. 39.4022

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146 and 39.4023 which ensures the opportunity for the siblings to
147 maintain visitation or contact in accordance with subsection (4)
148 ~~of this section.~~

149 (6) ADDITIONAL REQUIREMENTS AND CONSIDERATIONS.—

150 (b)1. If a child's sibling is also in out-of-home care and
151 such sibling leaves out-of-home care due to emancipation or
152 reunification with his or her parent or guardian, the child must
153 be allowed visitation or contact ~~to communicate~~ with that
154 emancipated or reunified sibling, if the emancipated sibling or
155 the reunified sibling and his or her parent consent.

156 2. If a child's sibling is also in out-of-home care and
157 such sibling leaves out-of-home care for any reason, including,
158 but not limited to, the reasons in subparagraph 1. and
159 visitation or contact ~~communication~~ is not occurring, the child
160 has a right to have the court consider the appropriateness of
161 continued visitation or contact ~~communication~~ with his or her
162 sibling. The court shall consider the recommendation of the
163 department or community-based care lead agency and any other
164 information deemed relevant by the court.

165 3. If a child's sibling leaves out-of-home care because he
166 or she is adopted, the child may be allowed to have continued
167 visitation or contact ~~communication~~ with the sibling ~~either by~~
168 ~~consent of the adoptive parent or~~ by order of the court in
169 accordance with subsection (4) or s. 63.0427.

170 (c) The department or the lead agency must document in
171 writing any decision to separate siblings in the case file as
172 required in s. 39.00146 and document the decision in the Florida
173 Safe Families Network. The documentation must include any
174 efforts made to keep the siblings together, an assessment of the

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175 short-term and long-term effects of separation on each child and
176 the sibling group as a whole, and a description of the plan for
177 visitation ~~communication~~ or contact between the children if
178 separation is approved.

179 Section 2. Subsection (5) of section 39.6221, Florida
180 Statutes, is amended to read:

181 39.6221 Permanent guardianship of a dependent child.—

182 (5) The court shall retain jurisdiction over the case and
183 the child shall remain in the custody of the permanent guardian
184 unless the order creating the permanent guardianship is modified
185 by the court. The court also retains jurisdiction to hear a
186 sibling's motion for visitation or contact filed pursuant to s.
187 39.4024(4)(b), and the court may issue an order establishing or
188 modifying sibling visitation or contact without modifying the
189 guardianship. The court shall discontinue regular review
190 hearings and relieve the department of the responsibility for
191 supervising the placement of the child. Notwithstanding ~~Not~~
192 ~~withstanding~~ the retention of jurisdiction by the court, a child
193 who is placed in a permanent guardianship is considered to have
194 reached permanency ~~the placement shall be considered permanency~~
195 ~~for the child.~~

196 Section 3. Subsection (1) of section 63.093, Florida
197 Statutes, is amended to read:

198 63.093 Adoption of children from the child welfare system.—

199 (1) The department or community-based care lead agency as
200 defined in s. 409.986(3), or its subcontracted agency, must
201 respond to an initial inquiry from a prospective adoptive parent
202 within 7 business days after receipt of the inquiry. The
203 response must inform the prospective adoptive parent of the

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204 adoption process, ~~and~~ the requirements for adopting a child from
205 the child welfare system, and the expectation that adoptive
206 parents will ensure that a child maintains visitation or contact
207 with his or her siblings, as defined in s. 39.01, after the
208 adoption is finalized.

209

210 Notwithstanding subsections (1) and (2), this section does not
211 apply to a child adopted through the process provided in s.
212 63.082(6).

213 Section 4. This act shall take effect July 1, 2025.