

By Senator Grall

29-00963-25

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1                   A bill to be entitled  
2           An act relating to contracts for postadoption contact;  
3           amending s. 63.0427, F.S.; defining the term "legal  
4           relative"; authorizing certain parties to enter into a  
5           written contract for postadoption contact that permits  
6           contact between an adopted child and his or her legal  
7           relatives; providing that certain contract provisions  
8           are unenforceable; requiring that a postadoption  
9           contract include certain statements; authorizing any  
10          party to such contract to file the contract with the  
11          court; requiring the court to make the contract a part  
12          of the final adoption order; providing that the  
13          continuing validity of the adoption is not contingent  
14          upon compliance with the terms of the contract;  
15          authorizing and providing requirements for  
16          enforcement, modification, or termination of the  
17          contract; prohibiting enforcement of the contract in  
18          certain circumstances; providing for automatic  
19          termination of the contract in certain circumstances;  
20          providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1. Subsection (3) is added to section 63.0427,  
25 Florida Statutes, to read:

26           63.0427 Agreements for continued communication or contact  
27 between adopted child and siblings, parents, and other  
28 relatives; contracts for postadoption contact.-

29           (3) (a) As used in this section, the term "legal relative"

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30 means a person who, immediately before the entry of an order  
31 terminating parental rights, is related to the child subject to  
32 such order biologically or through any relationship established  
33 or recognized by law, court order, or marriage.

34 (b) In lieu of, or in addition to, a postadoption  
35 communication or contact order under subsection (1), an adoptive  
36 parent and a biological parent, and the adopted child, if the  
37 adopted child is 14 years of age or older, may voluntarily enter  
38 into a written contract for postadoption contact that permits  
39 continued contact between legal relatives and the adopted child  
40 until the child reaches 18 years of age. If the adopted child is  
41 14 years of age or older, he or she must be a party to the  
42 contract and is deemed to have the capacity to enter into a  
43 contract for the purposes of this subsection.

44 (c) A contract for postadoption contact may provide for  
45 privileges relating to the adopted child which include, but are  
46 not limited to, visitation with the child; communication and  
47 contact with the child, including, but not limited to, written  
48 correspondence and telephone calls; the sharing of information  
49 about the child; and the sharing of information about biological  
50 or adoptive parents.

51 (d) A provision of a contract for postadoption contact is  
52 unenforceable if the provision:

- 53 1. Permits contact between an adopted child and a person  
54 legally restrained from such contact; or  
55 2. Impairs the ability of the adoptive parents and child to  
56 change residence within or outside of this state.

57 (e) A contract for postadoption contact must include the  
58 following statements in at least 14-point boldface type:

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59 1. "Failure to follow the terms of this contract, or any  
60 amendment thereto, does not invalidate a final adoption order."

61 2. "A disagreement between the parties to, or any action  
62 brought to enforce, this contract may not serve as the basis for  
63 any action or order affecting the custody of the adopted child."

64 (f) Any party to a contract for postadoption contact may  
65 file the contract with the court. A contract for postadoption  
66 contact filed with the court must be made a part of the final  
67 adoption order, but the continuing validity of the adoption is  
68 not contingent upon compliance with the terms of the contract.

69 (g) A contract for postadoption contact may be modified or  
70 terminated upon the agreement of all parties to the contract. If  
71 there is a disagreement among such parties as to enforcement,  
72 modification, or termination of the contract, the contract may  
73 be enforced, modified, or terminated in the following manner:

74 1. Any party to a contract for postadoption contact may  
75 seek the enforcement of the contract. An adoptive parent or  
76 child, but not a biological parent, may unilaterally seek to  
77 modify or terminate the contract. The party seeking enforcement,  
78 modification, or termination, as applicable, must deliver by  
79 certified mail or personal service to all other parties to the  
80 contract a notice stating with reasonable particularity the  
81 requested action.

82 2. Any party who opposes the action sought may, within 30  
83 days, provide a response by certified mail or personal service.

84 3. If after the 30-day period no response is received, or  
85 if the received response is not satisfactory, the adoptive  
86 parent must seek and obtain, at his or her own expense, a  
87 written recommendation from a psychologist licensed under

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88 chapter 490 or a clinical social worker licensed under chapter  
89 491 addressing whether the requested action is in the child's  
90 best interests and providing other recommendations as  
91 appropriate regarding the child's continued contact with legal  
92 relatives. The opinion of the psychological professional must be  
93 provided to the other parties by the adoptive parents within 90  
94 days after delivery of the notice required under subparagraph 1.

95 4. If the parties are not thereafter able to reach an  
96 agreement, the parties must engage in mediation.

97 5. If the parties are not able to reach an agreement after  
98 two mediation sessions or if any party refuses to engage in  
99 mediation, the party seeking enforcement, modification, or  
100 termination, as applicable, may petition the court for such  
101 enforcement, modification, or termination.

102 6. In an action to enforce, modify, or terminate a contract  
103 for postadoption contact, the burden of proof is on the party  
104 seeking such enforcement, modification, or termination. The best  
105 interests of the child must be the court's primary consideration  
106 in determining whether to enforce, modify, or terminate the  
107 contract, but the good faith of each party, any change in  
108 circumstances since the execution of the contract, and the  
109 extent of each party's compliance with the contract may also be  
110 considered, as well as any other evidence the court finds  
111 appropriate. The court shall issue an enforcement, modification,  
112 or termination order, if appropriate, and make such order a part  
113 of the final adoption order.

114 (h) During any period of time in which the adoptive parents  
115 temporarily lose custody of the child, the contract for  
116 postadoption contact does not terminate but may not be enforced.

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117        (i) A contract for postadoption contact automatically  
118 terminates upon the adopted child reaching 18 years of age.

119        Section 2. This act shall take effect July 1, 2025.