

By the Committee on Children, Families, and Elder Affairs

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1 A bill to be entitled
2 An act relating to child protection; amending s.
3 39.01, F.S.; revising the definitions of the term
4 "abandoned" or "abandonment," "institutional child
5 abuse or neglect," and "abandons the child within the
6 context of harm"; amending s. 39.013, F.S.; specifying
7 when jurisdiction attaches for a petition for an
8 injunction to prevent child abuse issued pursuant to
9 specified provisions; amending s. 39.0138, F.S.;
10 revising provisions relating to criminal history
11 records check on persons being considered for
12 placement of a child; requiring a records check
13 through the State Automated Child Welfare Information
14 System; providing for an out-of-state criminal history
15 records check of certain persons who have lived out of
16 state if such records may be obtained; amending s.
17 39.201, F.S.; providing procedures for calls from a
18 parent or legal custodian seeking assistance for
19 himself or herself which do not meet the criteria for
20 being a report of child abuse, abandonment, or
21 neglect, but show a potential future risk of harm to a
22 child and requiring a referral if a need for community
23 services exists; specifying that the central abuse
24 hotline is the first step in the safety assessment and
25 investigation process; amending s. 39.205, F.S.;
26 permitting discontinuance of an investigation of child
27 abuse, abandonment, or neglect during the course of
28 the investigation if it is determined that the report
29 was false; amending s. 39.301, F.S.; substituting

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30 references to a standard electronic child welfare case
31 for a master file; revising requirements for such a
32 file; revising requirements for informing the subject
33 of an investigation; deleting provisions relating to a
34 preliminary determination as to whether an
35 investigation report is complete; revising
36 requirements for child protective investigation
37 activities to be performed to determine child safety;
38 specifying uses for certain criminal justice
39 information accesses by child protection
40 investigators; requiring documentation of the present
41 and impending dangers to each child through use of a
42 standardized safety assessment; revising provisions
43 relating to required protective, treatment, and
44 ameliorative services; revising requirements for the
45 Department of Children and Family Service's training
46 program for staff responsible for responding to
47 reports accepted by the central abuse hotline;
48 requiring the department's training program at the
49 regional and district levels to include results of
50 qualitative reviews of child protective investigation
51 cases handled within the region or district; revising
52 requirements for the department's quality assurance
53 program; amending s. 39.302, F.S.; requiring that a
54 protective investigation must include an interview
55 with the child's parent or legal guardian; amending s.
56 39.307, F.S.; requiring the department, contracted
57 sheriff's office providing protective investigation
58 services, or contracted case management personnel

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59 responsible for providing services to adhere to
60 certain procedures relating to reports of child-on-
61 child sexual abuse; deleting a requirement that an
62 assessment of service and treatment needs to be
63 completed within a specified period; amending s.
64 39.504, F.S.; revising provisions relating to the
65 process for seeking a child protective injunction;
66 providing for temporary ex parte injunctions;
67 providing requirements for service on an alleged
68 offender; revising provisions relating to the contents
69 of an injunction; providing for certain relief;
70 providing requirements for notice of a hearing on a
71 motion to modify or dissolve an injunction; providing
72 that a person against whom an injunction is entered
73 does not automatically become a party to a subsequent
74 dependency action concerning the same child unless he
75 or she was a party to the action in which the
76 injunction was entered; amending s. 39.521, F.S.;
77 requiring a home study report if a child has been
78 removed from the home and will be remaining with a
79 parent; substituting references to the State Automated
80 Child Welfare Information System for the Florida Abuse
81 Hotline Information System applicable to records
82 checks; authorizing submission of fingerprints of
83 certain household members; authorizing requests for
84 national criminal history checks and fingerprinting of
85 any visitor to the home known to the department;
86 amending s. 39.6011, F.S.; providing additional
87 options for the court with respect to case plans;

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providing for expiration of a child's case plan no later than 12 months after the date the child was adjudicated dependent; conforming a cross-reference to changes made by the act; amending s. 39.621, F.S.; revising terminology relating to permanency determinations; amending s. 39.701, F.S.; providing that a court must schedule a judicial review hearing if the citizen review panel recommends extending the goal of reunification for any case plan beyond 12 months from the date the child was adjudicated dependent, unless specified other events occurred earlier; conforming a cross-reference to changes made by the act; amending s. 39.8055, F.S.; requiring the department to file a petition to terminate parental rights within a certain number of days after the completion of a specified period after the child was sheltered or adjudicated dependent, whichever occurs first; amending s. 39.806, F.S.; providing additional criteria for the court to consider when deciding whether to terminate the parental rights of a parent or legal guardian because the parent or legal guardian is incarcerated; increasing the number of months of failure of the parent or parents to substantially comply with a child's case plan in certain circumstances that constitutes evidence of continuing abuse, neglect, or abandonment and grounds for termination of parental rights; revising a cross-reference; clarifying applicability of certain amendments made by the act; amending ss. 39.502,

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39.823, and 39.828, F.S.; conforming cross-references to changes made by the act; amending s. 402.56, F.S.; directing the Children and Youth Cabinet to meet at least four times per year rather than six times per year; providing an effective date.

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

Section 1. Subsection (1), paragraph (e) of subsection (32), and subsection (33) of section 39.01, Florida Statutes, are amended to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(1) "Abandoned" or "abandonment" means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made ~~makes~~ no significant contribution to the child's care and maintenance or provision for the child's support ~~and has failed~~ to establish or maintain a substantial and positive relationship with the child, or both. For purposes of this subsection, "establish or maintain a substantial and positive relationship" includes, but is not limited to, frequent and regular contact with the child through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidental or token visits or communications are not sufficient to establish or maintain a substantial and positive relationship with a child. The term does not include a surrendered newborn infant as described in s. 383.50, a "child

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146 in need of services" as defined in chapter 984, or a "family in
147 need of services" as defined in chapter 984. The incarceration,
148 repeated incarceration, or extended incarceration of a parent,
149 legal custodian, or caregiver responsible for a child's welfare
150 may support a finding of abandonment.

151 (32) "Harm" to a child's health or welfare can occur when
152 any person:

153 (e) Abandons the child. Within the context of the
154 definition of "harm," the term "abandoned the child" or
155 "abandonment of the child" means a situation in which the parent
156 or legal custodian of a child or, in the absence of a parent or
157 legal custodian, the caregiver, while being able, has made ~~makes~~
158 no significant contribution to the child's care and maintenance
159 or provision for the child's support and has failed to establish
160 or maintain a substantial and positive relationship with the
161 child, or both. For purposes of this paragraph, "establish or
162 maintain a substantial and positive relationship" includes, but
163 is not limited to, frequent and regular contact with the child
164 through frequent and regular visitation or frequent and regular
165 communication to or with the child, and the exercise of parental
166 rights and responsibilities. Marginal efforts and incidental or
167 token visits or communications are not sufficient to establish
168 or maintain a substantial and positive relationship with a
169 child. The term "abandoned" does not include a surrendered
170 newborn infant as described in s. 383.50, a child in need of
171 services as defined in chapter 984, or a family in need of
172 services as defined in chapter 984. The incarceration, repeated
173 incarceration, or extended incarceration of a parent, legal
174 custodian, or caregiver responsible for a child's welfare may

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175 support a finding of abandonment.

176 (33) "Institutional child abuse or neglect" means
177 situations of known or suspected child abuse or neglect in which
178 the person allegedly perpetrating the child abuse or neglect is
179 an employee of a private school, public or private day care
180 center, residential home, institution, facility, or agency or
181 any other person at such institution responsible for the child's
182 care as defined in subsection (47).

183 Section 2. Subsection (2) of section 39.013, Florida
184 Statutes, is amended to read:

185 39.013 Procedures and jurisdiction; right to counsel.—

186 (2) The circuit court has exclusive original jurisdiction
187 of all proceedings under this chapter, of a child voluntarily
188 placed with a licensed child-caring agency, a licensed child-
189 placing agency, or the department, and of the adoption of
190 children whose parental rights have been terminated under this
191 chapter. Jurisdiction attaches when the initial shelter
192 petition, dependency petition, or termination of parental rights
193 petition, or a petition for an injunction to prevent child abuse
194 issued pursuant to s. 39.504, is filed or when a child is taken
195 into the custody of the department. The circuit court may assume
196 jurisdiction over any such proceeding regardless of whether the
197 child was in the physical custody of both parents, was in the
198 sole legal or physical custody of only one parent, caregiver, or
199 some other person, or was not in the physical or legal custody
200 of any ~~no~~ person when the event or condition occurred that
201 brought the child to the attention of the court. When the court
202 obtains jurisdiction of any child who has been found to be
203 dependent, the court shall retain jurisdiction, unless

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204 relinquished by its order, until the child reaches 18 years of
205 age. However, if a youth petitions the court at any time before
206 his or her 19th birthday requesting the court's continued
207 jurisdiction, the juvenile court may retain jurisdiction under
208 this chapter for a period not to exceed 1 year following the
209 youth's 18th birthday for the purpose of determining whether
210 appropriate aftercare support, Road-to-Independence Program,
211 transitional support, mental health, and developmental
212 disability services, to the extent otherwise authorized by law,
213 have been provided to the formerly dependent child who was in
214 the legal custody of the department immediately before his or
215 her 18th birthday. If a petition for special immigrant juvenile
216 status and an application for adjustment of status have been
217 filed on behalf of a foster child and the petition and
218 application have not been granted by the time the child reaches
219 18 years of age, the court may retain jurisdiction over the
220 dependency case solely for the purpose of allowing the continued
221 consideration of the petition and application by federal
222 authorities. Review hearings for the child shall be set solely
223 for the purpose of determining the status of the petition and
224 application. The court's jurisdiction terminates upon the final
225 decision of the federal authorities. Retention of jurisdiction
226 in this instance does not affect the services available to a
227 young adult under s. 409.1451. The court may not retain
228 jurisdiction of the case after the immigrant child's 22nd
229 birthday.

230 Section 3. Section 39.0138, Florida Statutes, is amended to
231 read:

232 39.0138 Criminal history and other records checks ~~check~~;

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limit on placement of a child.—

(1) The department shall conduct a records check through the State Automated Child Welfare Information System (SACWIS) and a local and statewide criminal history records check on all persons, including parents, being considered by the department for placement of a child ~~subject to a placement decision~~ under this chapter, including all nonrelative placement decisions, and all members of the household, 12 years of age and older, of the person being considered, ~~and frequent visitors to the household.~~ For purposes of this section, a criminal history records check may include, but is not limited to, submission of fingerprints to the Department of Law Enforcement for processing and forwarding to the Federal Bureau of Investigation for state and national criminal history information, and local criminal records checks through local law enforcement agencies of all household members 18 years of age and older and other visitors to the home. An out-of-state criminal history records check must be initiated for any person 18 years of age or older who resided in another state if that state allows the release of such records. A criminal history records check must also include a search of the department's automated abuse information system. The department shall establish by rule standards for evaluating any information contained in the automated system relating to a person who must be screened for purposes of making a placement decision.

(2) The department may not place a child with a person other than a parent if the criminal history records check reveals that the person has been convicted of any felony that falls within any of the following categories:

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(a) Child abuse, abandonment, or neglect;
(b) Domestic violence;
(c) Child pornography or other felony in which a child was a victim of the offense; or

(d) Homicide, sexual battery, or other felony involving violence, other than felony assault or felony battery when an adult was the victim of the assault or battery.

(3) The department may not place a child with a person other than a parent if the criminal history records check reveals that the person has, within the previous 5 years, been convicted of a felony that falls within any of the following categories:

- (a) Assault;
- (b) Battery; or
- (c) A drug-related offense.

(4) The department may place a child in a home that otherwise meets placement requirements if a name check of state and local criminal history records systems does not disqualify the applicant and if the department submits fingerprints to the Department of Law Enforcement for forwarding to the Federal Bureau of Investigation and is awaiting the results of the state and national criminal history records check.

(5) Persons with whom placement of a child is being considered or approved must disclose to the department any prior or pending local, state, or national criminal proceedings in which they are or have been involved.

(6) The department may examine the results of any criminal history records check of any person, including a parent, with whom placement of a child is being considered under this

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section. The complete criminal history records check must be considered when determining whether placement with the person will jeopardize the safety of the child being placed.

(7)(a) The court may review a decision of the department to grant or deny the placement of a child based upon information from the criminal history records check. The review may be upon the motion of any party, the request of any person who has been denied a placement by the department, or on the court's own motion. The court shall prepare written findings to support its decision in this matter.

(b) A person who is seeking placement of a child but is denied the placement because of the results of a criminal history records check has the burden of setting forth sufficient evidence of rehabilitation to show that the person will not present a danger to the child if the placement of the child is allowed. Evidence of rehabilitation may include, but is not limited to, the circumstances surrounding the incident providing the basis for denying the application, the time period that has elapsed since the incident, the nature of the harm caused to the victim, whether the victim was a child, the history of the person since the incident, whether the person has complied with any requirement to pay restitution, and any other evidence or circumstances indicating that the person will not present a danger to the child if the placement of the child is allowed.

Section 4. Paragraph (a) of subsection (2) and subsection (4) of section 39.201, Florida Statutes, are amended to read:

39.201 Mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death; central abuse hotline.—

(2)(a) Each report of known or suspected child abuse,

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abandonment, or neglect by a parent, legal custodian, caregiver, or other person responsible for the child's welfare as defined in this chapter, except those solely under s. 827.04(3), and each report that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall be made immediately to the department's central abuse hotline. Such reports may be made on the single statewide toll-free telephone number or via fax or web-based report. Personnel at the department's central abuse hotline shall determine if the report received meets the statutory definition of child abuse, abandonment, or neglect. Any report meeting one of these definitions shall be accepted for the protective investigation pursuant to part III of this chapter. Any call received from a parent or legal custodian seeking assistance for himself or herself which does not meet the criteria for being a report of child abuse, abandonment, or neglect may be accepted by the hotline for response to ameliorate a potential future risk of harm to a child. If it is determined by a child welfare professional that a need for community services exists, the department shall refer the parent or legal custodian for appropriate voluntary community services.

(4) The department shall operate ~~establish~~ and maintain a central abuse hotline to receive all reports made pursuant to this section in writing, via fax, via web-based reporting, or through a single statewide toll-free telephone number, which any person may use to report known or suspected child abuse, abandonment, or neglect at any hour of the day or night, any day of the week. The central abuse hotline is the first step in the

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349 safety assessment and investigation process. The central abuse
350 hotline shall be operated in such a manner as to enable the
351 department to:

352 (a) Immediately identify and locate prior reports or cases
353 of child abuse, abandonment, or neglect through utilization of
354 the department's automated tracking system.

355 (b) Monitor and evaluate the effectiveness of the
356 department's program for reporting and investigating suspected
357 abuse, abandonment, or neglect of children through the
358 development and analysis of statistical and other information.

359 (c) Track critical steps in the investigative process to
360 ensure compliance with all requirements for any report of abuse,
361 abandonment, or neglect.

362 (d) Maintain and produce aggregate statistical reports
363 monitoring patterns of child abuse, child abandonment, and child
364 neglect. The department shall collect and analyze child-on-child
365 sexual abuse reports and include the information in aggregate
366 statistical reports.

367 (e) Serve as a resource for the evaluation, management, and
368 planning of preventive and remedial services for children who
369 have been subject to abuse, abandonment, or neglect.

370 (f) Initiate and enter into agreements with other states
371 for the purpose of gathering and sharing information contained
372 in reports on child maltreatment to further enhance programs for
373 the protection of children.

374 Section 5. Subsections (3) and (5) of section 39.205,
375 Florida Statutes, are amended to read:

376 39.205 Penalties relating to reporting of child abuse,
377 abandonment, or neglect.—

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(3) A person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse hotline or in the records of any child abuse, abandonment, or neglect case, except as provided in this chapter, commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5) If the department or its authorized agent has determined during the course of ~~after~~ its investigation that a report is a false report, the department may discontinue all investigative activities and shall, with the consent of the alleged perpetrator, refer the report to the local law enforcement agency having jurisdiction for an investigation to determine whether sufficient evidence exists to refer the case for prosecution for filing a false report as defined in s. 39.01. During the pendency of the investigation, the department must notify the local law enforcement agency of, and the local law enforcement agency must respond to, all subsequent reports concerning children in that same family in accordance with s. 39.301. If the law enforcement agency believes that there are indicators of abuse, abandonment, or neglect, it must immediately notify the department, which must ensure the safety of the children. If the law enforcement agency finds sufficient evidence for prosecution for filing a false report, it must refer the case to the appropriate state attorney for prosecution.

Section 6. Section 39.301, Florida Statutes, is amended to read:

39.301 Initiation of protective investigations.—

(1) Upon receiving a report of known or suspected child

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abuse, abandonment, or neglect, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care, the central abuse hotline shall determine if the report requires an immediate onsite protective investigation. For reports requiring an immediate onsite protective investigation, the central abuse hotline shall immediately notify the department's designated district staff responsible for protective investigations to ensure that an onsite investigation is promptly initiated. For reports not requiring an immediate onsite protective investigation, the central abuse hotline shall notify the department's designated district staff responsible for protective investigations in sufficient time to allow for an investigation. At the time of notification, the central abuse hotline shall also provide information to district staff on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports.

(2)(a) The department shall immediately forward allegations of criminal conduct to the municipal or county law enforcement agency of the municipality or county in which the alleged conduct has occurred.

(b) As used in this subsection, the term "criminal conduct" means:

1. A child is known or suspected to be the victim of child abuse, as defined in s. 827.03, or of neglect of a child, as defined in s. 827.03.

2. A child is known or suspected to have died as a result of abuse or neglect.

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3. A child is known or suspected to be the victim of aggravated child abuse, as defined in s. 827.03.

4. A child is known or suspected to be the victim of sexual battery, as defined in s. 827.071, or of sexual abuse, as defined in s. 39.01.

5. A child is known or suspected to be the victim of institutional child abuse or neglect, as defined in s. 39.01, and as provided for in s. 39.302(1).

6. A child is known or suspected to be a victim of human trafficking, as provided in s. 787.06.

(c) Upon receiving a written report of an allegation of criminal conduct from the department, the law enforcement agency shall review the information in the written report to determine whether a criminal investigation is warranted. If the law enforcement agency accepts the case for criminal investigation, it shall coordinate its investigative activities with the department, whenever feasible. If the law enforcement agency does not accept the case for criminal investigation, the agency shall notify the department in writing.

(d) The local law enforcement agreement required in s. 39.306 shall describe the specific local protocols for implementing this section.

(3) The department shall maintain a single, standard electronic child welfare case ~~master~~ file for each child whose report is accepted by the central abuse hotline for investigation. Such file must contain information concerning all reports received by the abuse hotline concerning that child and all services received by that child and family. The file must be made available to any department staff, agent of the department,

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or contract provider given responsibility for conducting a protective investigation.

(4) To the extent practical, all protective investigations involving a child shall be conducted or the work supervised by a single individual in order for there to be broad knowledge and understanding of the child's history. When a new investigator is assigned to investigate a second and subsequent report involving a child, a multidisciplinary staffing shall be conducted which includes new and prior investigators, their supervisors, and appropriate private providers in order to ensure that, to the extent possible, there is coordination among all parties. The department shall establish an internal operating procedure that ensures that all required investigatory activities, including a review of the child's complete investigative and protective services history, are completed by the investigator, reviewed by the supervisor in a timely manner, and signed and dated by both the investigator and the supervisor.

(5)(a) Upon commencing an investigation under this part, the child protective investigator shall inform any subject of the investigation of the following:

1. The names of the investigators and identifying credentials from the department.

2. The purpose of the investigation.

3. The right to obtain his or her own attorney and ways that the information provided by the subject may be used.

4. The possible outcomes and services of the department's response ~~shall be explained to the parent or legal custodian.~~

5. The right of the parent or legal custodian to be engaged ~~involved~~ to the fullest extent possible in determining the

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494 nature of the allegation and the nature of any identified
495 problem and the remedy.

496 6. The duty of the parent or legal custodian to report any
497 change in the residence or location of the child to the
498 investigator and that the duty to report continues until the
499 investigation is closed.

500 (b) The investigator shall ~~department's training program~~
501 ~~shall ensure that protective investigators know how to~~ fully
502 inform parents or legal custodians of their rights and options,
503 including opportunities for audio or video recording of
504 investigators' interviews with parents or legal custodians or
505 children.

506 (6) Upon commencing an investigation under this part, if a
507 report was received from a reporter under s. 39.201(1)(b), the
508 protective investigator must provide his or her contact
509 information to the reporter within 24 hours after being assigned
510 to the investigation. The investigator must also advise the
511 reporter that he or she may provide a written summary of the
512 report made to the central abuse hotline to the investigator
513 which shall become a part of the electronic child welfare case
514 ~~master~~ file.

515 (7) An assessment of safety risk ~~risk~~ and the perceived needs
516 for the child and family shall be conducted in a manner that is
517 sensitive to the social, economic, and cultural environment of
518 the family. This assessment must include a face-to-face
519 interview with the child, other siblings, parents, and other
520 adults in the household and an onsite assessment of the child's
521 residence.

522 (8) Protective investigations shall be performed by the

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department or its agent.

~~(9) The person responsible for the investigation shall make a preliminary determination as to whether the report is complete, consulting with the attorney for the department when necessary. In any case in which the person responsible for the investigation finds that the report is incomplete, he or she shall return it without delay to the person or agency originating the report or having knowledge of the facts, or to the appropriate law enforcement agency having investigative jurisdiction, and request additional information in order to complete the report; however, the confidentiality of any report filed in accordance with this chapter shall not be violated.~~

~~(a) If it is determined that the report is complete, but the interests of the child and the public will be best served by providing the child care or other treatment voluntarily accepted by the child and the parents or legal custodians, the protective investigator may refer the parent or legal custodian and child for such care or other treatment.~~

~~(b) If it is determined that the child is in need of the protection and supervision of the court, the department shall file a petition for dependency. A petition for dependency shall be filed in all cases classified by the department as high-risk. Factors that the department may consider in determining whether a case is high-risk include, but are not limited to, the young age of the parents or legal custodians; the use of illegal drugs; the arrest of the parents or legal custodians on charges of manufacturing, processing, disposing of, or storing, either temporarily or permanently, any substances in violation of chapter 893; or domestic violence.~~

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~~(c) If a petition for dependency is not being filed by the department, the person or agency originating the report shall be advised of the right to file a petition pursuant to this part.~~

~~(9)-(10)~~ (a) For each report received from the central abuse hotline and accepted for investigation ~~that meets one or more of the following criteria~~, the department or the sheriff providing child protective investigative services under s. 39.3065, shall perform the following ~~an on-site~~ child protective investigation activities to determine child safety:

1. Conduct a review of all relevant, available information specific to the child and family and alleged maltreatment; family child welfare history; local, state, and federal criminal records checks; and requests for law enforcement assistance provided by the abuse hotline. Based on a review of available information, including the allegations in the current report, a determination shall be made as to whether immediate consultation should occur with law enforcement, the child protection team, a domestic violence shelter or advocate, or a substance abuse or mental health professional. Such consultations should include discussion as to whether a joint response is necessary and feasible. A determination shall be made as to whether the person making the report should be contacted before the face-to-face interviews with the child and family members. ~~A report for which there is obvious compelling evidence that no maltreatment occurred and there are no prior reports containing some indicators or verified findings of abuse or neglect with respect to any subject of the report or other individuals in the home. A prior report in which an adult in the home was a victim of abuse or neglect before becoming an adult does not exclude a report~~

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581 otherwise meeting the criteria of this subparagraph from the
582 onsite child protective investigation provided for in this
583 subparagraph. The process for an onsite child protective
584 investigation stipulated in this subsection may not be conducted
585 if an allegation meeting the criteria of this subparagraph
586 involves physical abuse, sexual abuse, domestic violence,
587 substance abuse or substance exposure, medical neglect, a child
588 younger than 3 years of age, or a child who is disabled or lacks
589 communication skills.

590 2. Conduct A report concerning an incident of abuse which
591 is alleged to have occurred 2 or more years prior to the date of
592 the report and there are no other indicators of risk to any
593 child in the home.

594 (b) The onsite child protective investigation to be
595 performed shall include a face-to-face interviews ~~interview~~ with
596 the child; other siblings, if any; and the parents, legal
597 custodians, or caregivers, ~~and other adults in the household~~
598 ~~and an onsite assessment of the child's residence in order to:~~

599 3.1. Assess the child's residence, including a
600 determination of ~~Determine~~ the composition of the family and ~~or~~
601 household, including the name, address, date of birth, social
602 security number, sex, and race of each child named in the
603 report; any siblings or other children in the same household or
604 in the care of the same adults; the parents, legal custodians,
605 or caregivers; and any other adults in the same household.

606 4.2. Determine whether there is any indication that any
607 child in the family or household has been abused, abandoned, or
608 neglected; the nature and extent of present or prior injuries,
609 abuse, or neglect, and any evidence thereof; and a determination

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as to the person or persons apparently responsible for the abuse, abandonment, or neglect, including the name, address, date of birth, social security number, sex, and race of each such person.

5.3. Complete assessment of immediate child safety for
~~Determine the immediate and long-term risk to each child based~~
on available records, interviews, and observations with all
persons named in subparagraph 2. and appropriate collateral
contacts, which may include other professionals by conducting
~~state and federal records checks, including, when feasible, the~~
~~records of the Department of Corrections, on the parents, legal~~
~~custodians, or caregivers, and any other persons in the same~~
~~household. This information shall be used solely for purposes~~
~~supporting the detection, apprehension, prosecution, pretrial~~
~~release, posttrial release, or rehabilitation of criminal~~
~~offenders or persons accused of the crimes of child abuse,~~
~~abandonment, or neglect and shall not be further disseminated or~~
~~used for any other purpose.~~ The department's child protection
investigators are hereby designated a criminal justice agency
for the purpose of accessing criminal justice information to be
used for enforcing this state's laws concerning the crimes of
child abuse, abandonment, and neglect. This information shall be
used solely for purposes supporting the detection, apprehension,
prosecution, pretrial release, posttrial release, or
rehabilitation of criminal offenders or persons accused of the
crimes of child abuse, abandonment, or neglect and may not be
further disseminated or used for any other purpose.

6.4. Document the present and impending dangers ~~Determine~~
~~the immediate and long-term risk to each child based on the~~

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639 identification of inadequate protective capacity through
640 utilization of a standardized safety risk assessment instrument
641 instruments.

642 (b) Upon completion of the immediate safety assessment, the
643 department shall determine the additional activities necessary
644 to assess impending dangers, if any, and close the
645 investigation.

646 ~~5. Based on the information obtained from available~~
647 ~~sources, complete the risk assessment instrument within 48 hours~~
648 ~~after the initial contact and, if needed, develop a case plan.~~

649 (c) 6. For each report received from the central abuse
650 hotline, the department or the sheriff providing child
651 protective investigative services under s. 39.3065, shall
652 determine the protective, treatment, and ameliorative services
653 necessary to safeguard and ensure the child's safety and well-
654 being and development, and cause the delivery of those services
655 through the early intervention of the department or its agent.
656 As applicable, The training provided to staff members who
657 conduct child protective investigators investigations must
658 inform parents and caregivers include instruction on how and
659 when to use the injunction process under s. 39.504 or s. 741.30
660 to remove a perpetrator of domestic violence from the home as an
661 intervention to protect the child.

662 1. If the department or the sheriff providing child
663 protective investigative services determines that the interests
664 of the child and the public will be best served by providing the
665 child care or other treatment voluntarily accepted by the child
666 and the parents or legal custodians, the parent or legal
667 custodian and child may be referred for such care, case

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management, or other community resources.

2. If the department or the sheriff providing child protective investigative services determines that the child is in need of protection and supervision, the department may file a petition for dependency.

3. If a petition for dependency is not being filed by the department, the person or agency originating the report shall be advised of the right to file a petition pursuant to this part.

~~(c) The determination that a report requires an investigation as provided in this subsection and does not require an enhanced onsite child protective investigation pursuant to subsection (11) must be approved in writing by the supervisor with documentation specifying why additional investigative activities are not necessary.~~

~~(d) A report that meets the criteria specified in this subsection is not precluded from further investigative activities. At any time it is determined that additional investigative activities are necessary for the safety of the child, such activities shall be conducted.~~

(10)-(11)(a) The department's training program for staff responsible for responding to reports accepted by the central abuse hotline must also ensure that child protective responders:

1. Know how to fully inform parents or legal custodians of their rights and options, including opportunities for audio or video recording of child protective responder interviews with parents or legal custodians or children.

2. Know how and when to use the injunction process under s. 39.504 or s. 741.30 to remove a perpetrator of domestic violence from the home as an intervention to protect the child.

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(b) To enhance the skills of individual staff members and to improve the region's and district's overall child protection system, the department's training program at the regional and district levels must include results of qualitative reviews of child protective investigation cases handled within the region or district in order to identify weaknesses as well as examples of effective interventions which occurred at each point in the case. For each report that meets one or more of the following criteria, the department shall perform an enhanced onsite child protective investigation:

~~1. Any allegation that involves physical abuse, sexual abuse, domestic violence, substance abuse or substance exposure, medical neglect, a child younger than 3 years of age, or a child who is disabled or lacks communication skills.~~

~~2. Any report that involves an individual who has been the subject of a prior report containing some indicators or verified findings of abuse, neglect, or abandonment.~~

~~3. Any report that does not contain compelling evidence that the maltreatment did not occur.~~

~~4. Any report that does not meet the criteria for an onsite child protective investigation as set forth in subsection (10).~~

~~(b) The enhanced onsite child protective investigation shall include, but is not limited to:~~

~~1. A face-to-face interview with the child, other siblings, parents or legal custodians or caregivers, and other adults in the household;~~

~~2. Collateral contacts;~~

~~3. Contact with the reporter as required by rule;~~

~~4. An onsite assessment of the child's residence in~~

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726 ~~accordance with paragraph (10) (b); and~~

727 ~~5. An updated assessment.~~

728 (c) For all reports received, detailed documentation is
729 required for the investigative activities.

730 (11)(12) The department shall incorporate into its quality
731 assurance program the monitoring of the determination of reports
732 that receive a an onsite child protective investigation to
733 determine the quality and timeliness of safety assessments,
734 engagements with families, teamwork with other experts and
735 professionals, and appropriate investigative activities that are
736 uniquely tailored to the safety factors associated with each
737 child and family ~~and those that receive an enhanced onsite child~~
738 ~~protective investigation.~~

739 (12)(13) If the department or its agent is denied
740 reasonable access to a child by the parents, legal custodians,
741 or caregivers and the department deems that the best interests
742 of the child so require, it shall seek an appropriate court
743 order or other legal authority before ~~prior to~~ examining and
744 interviewing the child.

745 (13)(14) Onsite visits and face-to-face interviews with the
746 child or family shall be unannounced unless it is determined by
747 the department or its agent or contract provider that such
748 unannounced visit would threaten the safety of the child.

749 (14)(15) (a) If the department or its agent determines that
750 a child requires immediate or long-term protection through:

751 1. Medical or other health care; or

752 2. Homemaker care, day care, protective supervision, or
753 other services to stabilize the home environment, including
754 intensive family preservation services through the Intensive

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Crisis Counseling Program,

such services shall first be offered for voluntary acceptance unless there are high-risk factors that may impact the ability of the parents or legal custodians to exercise judgment. Such factors may include the parents' or legal custodians' young age or history of substance abuse or domestic violence.

(b) The parents or legal custodians shall be informed of the right to refuse services, as well as the responsibility of the department to protect the child regardless of the acceptance or refusal of services. If the services are refused, a collateral contact ~~required under subparagraph (11)(b)2.~~ shall include a relative, if the protective investigator has knowledge of and the ability to contact a relative. If the services are refused and the department deems that the child's need for protection so requires, the department shall take the child into protective custody or petition the court as provided in this chapter. At any time after the commencement of a protective investigation, a relative may submit in writing to the protective investigator or case manager a request to receive notification of all proceedings and hearings in accordance with s. 39.502. The request shall include the relative's name, address, and phone number and the relative's relationship to the child. The protective investigator or case manager shall forward such request to the attorney for the department. The failure to provide notice to either a relative who requests it pursuant to this subsection or to a relative who is providing out-of-home care for a child may ~~shall~~ not result in any previous action of the court at any stage or proceeding in dependency or

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784 termination of parental rights under any part of this chapter
785 being set aside, reversed, modified, or in any way changed
786 absent a finding by the court that a change is required in the
787 child's best interests.

788 (c) The department, in consultation with the judiciary,
789 shall adopt by rule criteria that are factors requiring that the
790 department take the child into custody, petition the court as
791 provided in this chapter, or, if the child is not taken into
792 custody or a petition is not filed with the court, conduct an
793 administrative review. If after an administrative review the
794 department determines not to take the child into custody or
795 petition the court, the department shall document the reason for
796 its decision in writing and include it in the investigative
797 file. For all cases that were accepted by the local law
798 enforcement agency for criminal investigation pursuant to
799 subsection (2), the department must include in the file written
800 documentation that the administrative review included input from
801 law enforcement. In addition, for all cases that must be
802 referred to child protection teams pursuant to s. 39.303(2) and
803 (3), the file must include written documentation that the
804 administrative review included the results of the team's
805 evaluation. Factors that must be included in the development of
806 the rule include noncompliance with the case plan developed by
807 the department, or its agent, and the family under this chapter
808 and prior abuse reports with findings that involve the child or
809 caregiver.

810 (15) ~~(16)~~ When a child is taken into custody pursuant to
811 this section, the authorized agent of the department shall
812 request that the child's parent, caregiver, or legal custodian

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disclose the names, relationships, and addresses of all parents and prospective parents and all next of kin, so far as are known.

(16)~~(17)~~ The department shall complete its protective investigation within 60 days after receiving the initial report, unless:

(a) There is also an active, concurrent criminal investigation that is continuing beyond the 60-day period and the closure of the protective investigation may compromise successful criminal prosecution of the child abuse or neglect case, in which case the closure date shall coincide with the closure date of the criminal investigation and any resulting legal action.

(b) In child death cases, the final report of the medical examiner is necessary for the department to close its investigation and the report has not been received within the 60-day period, in which case the report closure date shall be extended to accommodate the report.

(c) A child who is necessary to an investigation has been declared missing by the department, a law enforcement agency, or a court, in which case the 60-day period shall be extended until the child has been located or until sufficient information exists to close the investigation despite the unknown location of the child.

(17)~~(18)~~ Immediately upon learning during the course of an investigation that:

(a) The immediate safety or well-being of a child is endangered;

(b) The family is likely to flee;

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(c) A child died as a result of abuse, abandonment, or neglect;

(d) A child is a victim of aggravated child abuse as defined in s. 827.03; or

(e) A child is a victim of sexual battery or of sexual abuse,

the department shall ~~orally~~ notify the jurisdictionally responsible state attorney, and county sheriff's office or local police department, and, within 3 working days, transmit a full written report to those agencies. The law enforcement agency shall review the report and determine whether a criminal investigation needs to be conducted and shall assume lead responsibility for all criminal fact-finding activities. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding an offense described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate.

(18) ~~(19)~~ In a child protective investigation or a criminal investigation, when the initial interview with the child is conducted at school, the department or the law enforcement agency may allow, notwithstanding ~~the provisions of~~ s. 39.0132(4), a school staff member who is known by the child to be present during the initial interview if:

(a) The department or law enforcement agency believes that the school staff member could enhance the success of the interview by his or her presence; and

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(b) The child requests or consents to the presence of the school staff member at the interview.

School staff may be present only when authorized by this subsection. Information received during the interview or from any other source regarding the alleged abuse or neglect of the child is ~~shall be~~ confidential and exempt from the provisions of s. 119.07(1), except as otherwise provided by court order. A separate record of the investigation of the abuse, abandonment, or neglect may ~~shall~~ not be maintained by the school or school staff member. Violation of this subsection is ~~constitutes~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

~~(19)-(20)~~ When a law enforcement agency conducts a criminal investigation into allegations of child abuse, neglect, or abandonment, photographs documenting the abuse or neglect shall ~~will~~ be taken when appropriate.

~~(20)-(21)~~ Within 15 days after the case is reported to him or her pursuant to this chapter, the state attorney shall report his or her findings to the department and shall include in such report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

~~(22)~~ In order to enhance the skills of individual staff and to improve the district's overall child protection system, the department's training program at the district level must include periodic reviews of cases handled within the district in order to identify weaknesses as well as examples of effective interventions that occurred at each point in the case.

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900 (21)~~(23)~~ When an investigation is closed and a person is
901 not identified as a caregiver responsible for the abuse,
902 neglect, or abandonment alleged in the report, the fact that the
903 person is named in some capacity in the report may not be used
904 in any way to adversely affect the interests of that person.
905 This prohibition applies to any use of the information in
906 employment screening, licensing, child placement, adoption, or
907 any other decisions by a private adoption agency or a state
908 agency or its contracted providers, except that a previous
909 report may be used to determine whether a child is safe and what
910 the known risk is to the child at any stage of a child
911 protection proceeding.

912 (22)~~(24)~~ If, after having been notified of the requirement
913 to report a change in residence or location of the child to the
914 protective investigator, a parent or legal custodian causes the
915 child to move, or allows the child to be moved, to a different
916 residence or location, or if the child leaves the residence on
917 his or her own accord and the parent or legal custodian does not
918 notify the protective investigator of the move within 2 business
919 days, the child may be considered to be a missing child for the
920 purposes of filing a report with a law enforcement agency under
921 s. 937.021.

922 Section 7. Subsection (1) of section 39.302, Florida
923 Statutes, is amended to read:

924 39.302 Protective investigations of institutional child
925 abuse, abandonment, or neglect.—

926 (1) The department shall conduct a child protective
927 investigation of each report of institutional child abuse,
928 abandonment, or neglect. Upon receipt of a report that alleges

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that an employee or agent of the department, or any other entity or person covered by s. 39.01(33) or (47), acting in an official capacity, has committed an act of child abuse, abandonment, or neglect, the department shall initiate a child protective investigation within the timeframe established under s. 39.201(5) and ~~orally~~ notify the appropriate state attorney, law enforcement agency, and licensing agency, which shall immediately conduct a joint investigation, unless independent investigations are more feasible. When conducting investigations ~~onsite~~ or having face-to-face interviews with the child, investigation visits shall be unannounced unless it is determined by the department or its agent that unannounced visits threaten the safety of the child. If a facility is exempt from licensing, the department shall inform the owner or operator of the facility of the report. Each agency conducting a joint investigation is entitled to full access to the information gathered by the department in the course of the investigation. A protective investigation must include an interview with the child's parent or legal guardian ~~an onsite visit of the child's place of residence~~. The department shall make a full written report to the state attorney within 3 working days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of the investigation, the state attorney shall report the findings to the department and shall

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include in the report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

Section 8. Subsection (2) of section 39.307, Florida Statutes, is amended to read:

39.307 Reports of child-on-child sexual abuse.—

(2) The department, contracted sheriff's office providing protective investigation services, or contracted case management personnel responsible for providing services ~~District staff~~, at a minimum, shall adhere to the following procedures:

(a) The purpose of the response to a report alleging juvenile sexual abuse behavior shall be explained to the caregiver.

1. The purpose of the response shall be explained in a manner consistent with legislative purpose and intent provided in this chapter.

2. The name and office telephone number of the person responding shall be provided to the caregiver of the alleged juvenile sexual offender or child who has exhibited inappropriate sexual behavior and the victim's caregiver.

3. The possible consequences of the department's response, including outcomes and services, shall be explained to the caregiver of the alleged juvenile sexual offender or child who has exhibited inappropriate sexual behavior and the victim's caregiver.

(b) The caregiver of the alleged juvenile sexual offender or child who has exhibited inappropriate sexual behavior and the victim's caregiver shall be involved to the fullest extent possible in determining the nature of the sexual behavior

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987 concerns ~~allegation~~ and the nature of any problem or risk to
988 other children.

989 (c) The assessment of risk and the perceived treatment
990 needs of the alleged juvenile sexual offender or child who has
991 exhibited inappropriate sexual behavior, the victim, and
992 respective caregivers shall be conducted by the district staff,
993 the child protection team of the Department of Health, and other
994 providers under contract with the department to provide services
995 to the caregiver of the alleged offender, the victim, and the
996 victim's caregiver.

997 (d) The assessment shall be conducted in a manner that is
998 sensitive to the social, economic, and cultural environment of
999 the family.

1000 (e) If necessary, the child protection team of the
1001 Department of Health shall conduct a physical examination of the
1002 victim, which is sufficient to meet forensic requirements.

1003 (f) Based on the information obtained from the alleged
1004 juvenile sexual offender or child who has exhibited
1005 inappropriate sexual behavior, his or her caregiver, the victim,
1006 and the victim's caregiver, an assessment of service and
1007 treatment needs ~~report~~ must be completed ~~within 7 days~~ and, if
1008 needed, a case plan developed within 30 days.

1009 (g) The department shall classify the outcome of the report
1010 as follows:

1011 1. Report closed. Services were not offered because the
1012 department determined that there was no basis for intervention.

1013 2. Services accepted by alleged juvenile sexual offender.
1014 Services were offered to the alleged juvenile sexual offender or
1015 child who has exhibited inappropriate sexual behavior and

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accepted by the caregiver.

3. Report closed. Services were offered to the alleged juvenile sexual offender or child who has exhibited inappropriate sexual behavior, but were rejected by the caregiver.

4. Notification to law enforcement. The risk to the victim's safety and well-being cannot be reduced by the provision of services or the caregiver rejected services, and notification of the alleged delinquent act or violation of law to the appropriate law enforcement agency was initiated.

5. Services accepted by victim. Services were offered to the victim and accepted by the caregiver.

6. Report closed. Services were offered to the victim but were rejected by the caregiver.

Section 9. Section 39.504, Florida Statutes, is amended to read:

39.504 Injunction pending disposition of petition; penalty.—

(1) At any time after a protective investigation has been initiated pursuant to part III of this chapter, the court, upon the request of the department, a law enforcement officer, the state attorney, or other responsible person, or upon its own motion, may, if there is reasonable cause, issue an injunction to prevent any act of child abuse. Reasonable cause for the issuance of an injunction exists if there is evidence of child abuse or if there is a reasonable likelihood of such abuse occurring based upon a recent overt act or failure to act.

(2) The petitioner seeking the injunction shall file a verified petition, or a petition along with an affidavit,

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1045 setting forth the specific actions by the alleged offender from
1046 which the child must be protected and all remedies sought. Upon
1047 filing the petition, the court shall set a hearing to be held at
1048 the earliest possible time. Pending the hearing, the court may
1049 issue a temporary ex parte injunction, with verified pleadings
1050 or affidavits as evidence. The temporary ex parte injunction
1051 pending a hearing is effective for up to 15 days and the hearing
1052 must be held within that period unless continued for good cause
1053 shown, which may include obtaining service of process, in which
1054 case the temporary ex parte injunction shall be extended for the
1055 continuance period. The hearing may be held sooner if the
1056 alleged offender has received reasonable notice. Notice shall be
1057 ~~provided to the parties as set forth in the Florida Rules of~~
1058 ~~Juvenile Procedure, unless the child is reported to be in~~
1059 ~~imminent danger, in which case the court may issue an injunction~~
1060 ~~immediately. A judge may issue an emergency injunction pursuant~~
1061 ~~to this section without notice if the court is closed for the~~
1062 ~~transaction of judicial business. If an immediate injunction is~~
1063 ~~issued, the court must hold a hearing on the next day of~~
1064 ~~judicial business to dissolve the injunction or to continue or~~
1065 ~~modify it in accordance with this section.~~

1066 (3) Before the hearing, the alleged offender must be
1067 personally served with a copy of the petition, all other
1068 pleadings related to the petition, a notice of hearing, and, if
1069 one has been entered, the temporary injunction. Following the
1070 hearing, the court may enter a final injunction. The court may
1071 grant a continuance of the hearing at any time for good cause
1072 shown by any party. If a temporary injunction has been entered,
1073 it shall be continued during the continuance.

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1074 (4)~~(3)~~ If an injunction is issued under this section, the
1075 primary purpose of the injunction must be to protect and promote
1076 the best interests of the child, taking the preservation of the
1077 child's immediate family into consideration.

1078 (a) The injunction applies ~~shall apply~~ to the alleged or
1079 actual offender in a case of child abuse or acts of domestic
1080 violence. The conditions of the injunction shall be determined
1081 by the court, which ~~conditions~~ may include ordering the alleged
1082 or actual offender to:

1083 1. Refrain from further abuse or acts of domestic violence.
1084 2. Participate in a specialized treatment program.
1085 3. Limit contact or communication with the child victim,
1086 other children in the home, or any other child.

1087 4. Refrain from contacting the child at home, school, work,
1088 or wherever the child may be found.

1089 5. Have limited or supervised visitation with the child.

1090 ~~6. Pay temporary support for the child or other family~~
1091 ~~members; the costs of medical, psychiatric, and psychological~~
1092 ~~treatment for the child incurred as a result of the offenses;~~
1093 ~~and similar costs for other family members.~~

1094 ~~6.7.~~ Vacate the home in which the child resides.

1095 (b) Upon proper pleading, the court may award the following
1096 relief in a temporary ex parte or final injunction ~~If the intent~~
1097 ~~of the injunction is to protect the child from domestic~~
1098 ~~violence, the conditions may also include:~~

1099 1. ~~Awarding the~~ Exclusive use and possession of the
1100 dwelling to the caregiver or exclusion of ~~excluding~~ the alleged
1101 or actual offender from the residence of the caregiver.

1102 2. ~~Awarding temporary custody of the child to the~~

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1103 ~~caregiver.~~

1104 ~~2.3. Establishing~~ Temporary support for the child or other
1105 family members.

1106 3. The costs of medical, psychiatric, and psychological
1107 treatment for the child incurred due to the abuse, and similar
1108 costs for other family members.

1109
1110 This paragraph does not preclude an ~~the~~ adult victim of domestic
1111 violence from seeking protection for himself or herself under s.
1112 741.30.

1113 (c) The terms of the final injunction shall remain in
1114 effect until modified or dissolved by the court. The petitioner,
1115 respondent, or caregiver may move at any time to modify or
1116 dissolve the injunction. Notice of hearing on the motion to
1117 modify or dissolve the injunction must be provided to all
1118 parties, including the department. The injunction is valid and
1119 enforceable in all counties in the state.

1120 ~~(5)(4)~~ Service of process on the respondent shall be
1121 carried out pursuant to s. 741.30. The department shall deliver
1122 a copy of any injunction issued pursuant to this section to the
1123 protected party or to a parent, caregiver, or individual acting
1124 in the place of a parent who is not the respondent. Law
1125 enforcement officers may exercise their arrest powers as
1126 provided in s. 901.15(6) to enforce the terms of the injunction.

1127 ~~(6)(5)~~ Any person who fails to comply with an injunction
1128 issued pursuant to this section commits a misdemeanor of the
1129 first degree, punishable as provided in s. 775.082 or s.
1130 775.083.

1131 (7) The person against whom an injunction is entered under

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1132 this section does not automatically become a party to a
1133 subsequent dependency action concerning the same child.

1134 Section 10. Paragraph (r) of subsection (2) of section
1135 39.521, Florida Statutes, is amended to read:

1136 39.521 Disposition hearings; powers of disposition.—

1137 (2) The predisposition study must provide the court with
1138 the following documented information:

1139 (r) If the child has been removed from the home and will be
1140 remaining with a relative, parent, or other adult approved by
1141 the court, a home study report concerning the proposed placement
1142 shall be included in the predisposition report. Before ~~Prior to~~
1143 recommending to the court any out-of-home placement for a child
1144 other than placement in a licensed shelter or foster home, the
1145 department shall conduct a study of the home of the proposed
1146 legal custodians, which must include, at a minimum:

1147 1. An interview with the proposed legal custodians to
1148 assess their ongoing commitment and ability to care for the
1149 child.

1150 2. Records checks through the State Automated Child Welfare
1151 Information System (SACWIS) ~~Florida Abuse Hotline Information~~
1152 ~~System (FAHIS)~~, and local and statewide criminal and juvenile
1153 records checks through the Department of Law Enforcement, on all
1154 household members 12 years of age or older. In addition, the
1155 fingerprints of any household members who are 18 years of age or
1156 older may be submitted to the Department of Law Enforcement for
1157 processing and forwarding to the Federal Bureau of Investigation
1158 for state and national criminal history information. The
1159 department has the discretion to request State Automated Child
1160 Welfare Information System (SACWIS) and local, statewide, and

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1161 national criminal history checks and fingerprinting of any other
1162 visitor to the home who is made known to the department ~~and any~~
1163 ~~other persons made known to the department who are frequent~~
1164 ~~visitors in the home.~~ Out-of-state criminal records checks must
1165 be initiated for any individual ~~designated above~~ who has resided
1166 in a state other than Florida if provided that state's laws
1167 allow the release of these records. The out-of-state criminal
1168 records must be filed with the court within 5 days after receipt
1169 by the department or its agent.

1170 3. An assessment of the physical environment of the home.

1171 4. A determination of the financial security of the
1172 proposed legal custodians.

1173 5. A determination of suitable child care arrangements if
1174 the proposed legal custodians are employed outside of the home.

1175 6. Documentation of counseling and information provided to
1176 the proposed legal custodians regarding the dependency process
1177 and possible outcomes.

1178 7. Documentation that information regarding support
1179 services available in the community has been provided to the
1180 proposed legal custodians.

1181
1182 The department may ~~shall~~ not place the child or continue the
1183 placement of the child in a home under shelter or
1184 postdisposition placement if the results of the home study are
1185 unfavorable, unless the court finds that this placement is in
1186 the child's best interest.

1187
1188 Any other relevant and material evidence, including other
1189 written or oral reports, may be received by the court in its

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effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing.

Except as otherwise specifically provided, nothing in this section prohibits the publication of proceedings in a hearing.

Section 11. Subsections (2) and (4) of section 39.6011, Florida Statutes, are amended to read:

39.6011 Case plan development.—

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

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

(b) The permanency goal.

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

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

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

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child was not removed with maintaining and strengthening the placement as a permanency option.

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

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

(e) A written notice to the parent that failure of the parent to substantially comply with the case plan may result in the termination of parental rights, and that a material breach of the case plan may result in the filing of a petition for termination of parental rights sooner than the compliance period set forth in the case plan.

(4) The case plan must describe:

(a) The role of the foster parents or legal custodians when developing the services that are to be provided to the child, foster parents, or legal custodians;

(b) The responsibility of the case manager to forward a relative's request to receive notification of all proceedings and hearings submitted pursuant to s. 39.301(14)(b) ~~39.301(15)(b)~~ to the attorney for the department;

(c) The minimum number of face-to-face meetings to be held each month between the parents and the department's family

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1248 services counselors to review the progress of the plan, to
1249 eliminate barriers to progress, and to resolve conflicts or
1250 disagreements; and

1251 (d) The parent's responsibility for financial support of
1252 the child, including, but not limited to, health insurance and
1253 child support. The case plan must list the costs associated with
1254 any services or treatment that the parent and child are expected
1255 to receive which are the financial responsibility of the parent.
1256 The determination of child support and other financial support
1257 shall be made independently of any determination of indigency
1258 under s. 39.013.

1259 Section 12. Subsection (1) of section 39.621, Florida
1260 Statutes, is amended to read:

1261 39.621 Permanency determination by the court.—

1262 (1) Time is of the essence for permanency of children in
1263 the dependency system. A permanency hearing must be held no
1264 later than 12 months after the date the child was removed from
1265 the home or within ~~no later than~~ 30 days after a court
1266 determines that reasonable efforts to return a child to either
1267 parent are not required, whichever occurs first. The purpose of
1268 the permanency hearing is to determine when the child will
1269 achieve the permanency goal or whether modifying the current
1270 goal is in the best interest of the child. A permanency hearing
1271 must be held at least every 12 months for any child who
1272 continues to be supervised by ~~receive supervision from~~ the
1273 department or awaits adoption.

1274 Section 13. Paragraph (b) of subsection (3), subsection
1275 (6), and paragraph (e) of subsection (10) of section 39.701,
1276 Florida Statutes, are amended to read:

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39.701 Judicial review.—

(3)

(b) If the citizen review panel recommends extending the goal of reunification for any case plan beyond 12 months from the date the child was removed from the home, ~~or~~ the case plan was adopted, or the child was adjudicated dependent, whichever date came first, the court must schedule a judicial review hearing to be conducted by the court within 30 days after receiving the recommendation from the citizen review panel.

(6) The attorney for the department shall notify a relative who submits a request for notification of all proceedings and hearings pursuant to s. 39.301(14)(b) ~~39.301(15)(b)~~. The notice shall include the date, time, and location of the next judicial review hearing.

(10)

(e) Within ~~No later than~~ 6 months after the date that the child was placed in shelter care, the court shall conduct a judicial review hearing to review the child's permanency goal as identified in the case plan. At the hearing the court shall make findings regarding the likelihood of the child's reunification with the parent or legal custodian within 12 months after the removal of the child from the home. ~~If, at this hearing,~~ the court makes a written finding that it is not likely that the child will be reunified with the parent or legal custodian within 12 months after the child was removed from the home, the department must file with the court, and serve on all parties, a motion to amend the case plan under s. 39.6013 and declare that it will use concurrent planning for the case plan. The department must file the motion within ~~no later than~~ 10 business

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1306 days after receiving the written finding of the court. The
1307 department must attach the proposed amended case plan to the
1308 motion. If concurrent planning is already being used, the case
1309 plan must document the efforts the department is taking to
1310 complete the concurrent goal.

1311 Section 14. Subsection (1) of section 39.8055, Florida
1312 Statutes, is amended to read:

1313 39.8055 Requirement to file a petition to terminate
1314 parental rights; exceptions.—

1315 (1) The department shall file a petition to terminate
1316 parental rights within 60 days after any of the following if:

1317 (a) ~~The At the time of the 12-month judicial review~~
1318 ~~hearing,~~ a child is not returned to the physical custody of the
1319 parents 12 months after the child was sheltered or adjudicated
1320 dependent, whichever occurs first;

1321 (b) A petition for termination of parental rights has not
1322 otherwise been filed, and the child has been in out-of-home care
1323 under the responsibility of the state for 12 of the most recent
1324 22 months, calculated on a cumulative basis, but not including
1325 any trial home visits or time during which the child was a
1326 runaway;

1327 (c) A parent has been convicted of the murder,
1328 manslaughter, aiding or abetting the murder, or conspiracy or
1329 solicitation to murder the other parent or another child of the
1330 parent, or a felony battery that resulted in serious bodily
1331 injury to the child or to another child of the parent; or

1332 (d) A court determines that reasonable efforts to reunify
1333 the child and parent are not required.

1334 Section 15. Paragraphs (d), (e), and (k) of subsection (1)

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and subsection (2) of section 39.806, Florida Statutes, are amended to read:

39.806 Grounds for termination of parental rights.—

(1) Grounds for the termination of parental rights may be established under any of the following circumstances:

(d) When the parent of a child is incarcerated ~~in a state or federal correctional institution and either:~~

1. The period of time for which the parent is expected to be incarcerated will constitute a significant ~~substantial~~ portion of the child's minority. When determining whether the period of time is significant, the court shall consider the child's age and the child's need for a permanent and stable home. The period of time begins on the date that the parent enters into incarceration ~~period of time before the child will attain the age of 18 years;~~

2. The incarcerated parent has been determined by the court to be a violent career criminal as defined in s. 775.084, a habitual violent felony offender as defined in s. 775.084, or a sexual predator as defined in s. 775.21; has been convicted of first degree or second degree murder in violation of s. 782.04 or a sexual battery that constitutes a capital, life, or first degree felony violation of s. 794.011; or has been convicted of an offense in another jurisdiction which is substantially similar to one of the offenses listed in this paragraph. As used in this section, the term "substantially similar offense" means any offense that is substantially similar in elements and penalties to one of those listed in this subparagraph, and that is in violation of a law of any other jurisdiction, whether that of another state, the District of Columbia, the United States or

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any possession or territory thereof, or any foreign jurisdiction; or

3. The court determines by clear and convincing evidence that continuing the parental relationship with the incarcerated parent would be harmful to the child and, for this reason, that termination of the parental rights of the incarcerated parent is in the best interest of the child. When determining harm, the court shall consider the following factors:

a. The age of the child;

b. The relationship between the child and the parent;

c. The nature of the parent's current and past provision for the child's developmental, cognitive, psychological, and physical needs;

d. The parent's history of criminal behavior, which may include the frequency of incarceration and the unavailability of the parent to the child due to incarceration; and

e. Any other factor the court deems relevant.

(e) When a child has been adjudicated dependent, a case plan has been filed with the court, and:

1. The child continues to be abused, neglected, or abandoned by the parent or parents. The failure of the parent or parents to substantially comply with the case plan for a period of 12 ~~9~~ months after an adjudication of the child as a dependent child or the child's placement into shelter care, whichever occurs first, constitutes evidence of continuing abuse, neglect, or abandonment unless the failure to substantially comply with the case plan was due to the parent's lack of financial resources or to the failure of the department to make reasonable efforts to reunify the parent and child. The 12-month ~~9-month~~

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period begins to run only after the child's placement into shelter care or the entry of a disposition order placing the custody of the child with the department or a person other than the parent and the court's approval of a case plan having the goal of reunification with the parent, whichever occurs first; or

2. The parent or parents have materially breached the case plan. Time is of the essence for permanency of children in the dependency system. In order to prove the parent or parents have materially breached the case plan, the court must find by clear and convincing evidence that the parent or parents are unlikely or unable to substantially comply with the case plan before time to comply with the case plan expires.

(k) A test administered at birth that indicated that the child's blood, urine, or meconium contained any amount of alcohol or a controlled substance or metabolites of such substances, the presence of which was not the result of medical treatment administered to the mother or the newborn infant, and the biological mother of the child is the biological mother of at least one other child who was adjudicated dependent after a finding of harm to the child's health or welfare due to exposure to a controlled substance or alcohol as defined in s. 39.01~~(32)(g)~~, after which the biological mother had the opportunity to participate in substance abuse treatment.

(2) Reasonable efforts to preserve and reunify families are not required if a court of competent jurisdiction has determined that any of the events described in paragraphs (1)(b)-(d) or (f)-(l) ~~(1)(e)-(l)~~ have occurred.

Section 16. The amendments made by this act to paragraph

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(d) of subsection (1) of section 39.806, Florida Statutes, do not apply to any cause of action that accrued before July 1, 2012.

Section 17. Subsections (1) and (19) of section 39.502, Florida Statutes, are amended to read:

39.502 Notice, process, and service.—

(1) Unless parental rights have been terminated, all parents must be notified of all proceedings or hearings involving the child. Notice in cases involving shelter hearings and hearings resulting from medical emergencies must be that most likely to result in actual notice to the parents. In all other dependency proceedings, notice must be provided in accordance with subsections (4)-(9), except when a relative requests notification pursuant to s. 39.301(14)(b) ~~39.301(15)(b)~~, in which case notice shall be provided pursuant to subsection (19).

(19) In all proceedings and hearings under this chapter, the attorney for the department shall notify, orally or in writing, a relative requesting notification pursuant to s. 39.301(14)(b) ~~39.301(15)(b)~~ of the date, time, and location of such proceedings and hearings, and notify the relative that he or she has the right to attend all subsequent proceedings and hearings, to submit reports to the court, and to speak to the court regarding the child, if the relative so desires. The court has the discretion to release the attorney for the department from notifying a relative who requested notification pursuant to s. 39.301(14)(b) ~~39.301(15)(b)~~ if the relative's involvement is determined to be impeding the dependency process or detrimental to the child's well-being.

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1451 Section 18. Section 39.823, Florida Statutes, is amended to
1452 read:

1453 39.823 Guardian advocates for drug dependent newborns.—The
1454 Legislature finds that increasing numbers of drug dependent
1455 children are born in this state. Because of the parents'
1456 continued dependence upon drugs, the parents may temporarily
1457 leave their child with a relative or other adult or may have
1458 agreed to voluntary family services under s. 39.301(14)
1459 ~~39.301(15)~~. The relative or other adult may be left with a child
1460 who is likely to require medical treatment but for whom they are
1461 unable to obtain medical treatment. The purpose of this section
1462 is to provide an expeditious method for such relatives or other
1463 responsible adults to obtain a court order which allows them to
1464 provide consent for medical treatment and otherwise advocate for
1465 the needs of the child and to provide court review of such
1466 authorization.

1467 Section 19. Subsection (1) of section 39.828, Florida
1468 Statutes, is amended to read:

1469 39.828 Grounds for appointment of a guardian advocate.—

1470 (1) The court shall appoint the person named in the
1471 petition as a guardian advocate with all the powers and duties
1472 specified in s. 39.829 for an initial term of 1 year upon a
1473 finding that:

1474 (a) The child named in the petition is or was a drug
1475 dependent newborn as described in s. ~~39.01(32)(g)~~;

1476 (b) The parent or parents of the child have voluntarily
1477 relinquished temporary custody of the child to a relative or
1478 other responsible adult;

1479 (c) The person named in the petition to be appointed the

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guardian advocate is capable of carrying out the duties as provided in s. 39.829; and

(d) A petition to adjudicate the child dependent under this chapter has not been filed.

Section 20. Subsection (3) of section 402.56, Florida Statutes, is amended to read:

402.56 Children's cabinet; organization; responsibilities; annual report.—

(3) ORGANIZATION.—There is created the Children and Youth Cabinet, which is a coordinating council as defined in s. 20.03.

(a) The cabinet shall ensure that the public policy of this state relating to children and youth is developed to promote interdepartmental collaboration and program implementation in order that services designed for children and youth are planned, managed, and delivered in a holistic and integrated manner to improve the children's self-sufficiency, safety, economic stability, health, and quality of life.

(b) The cabinet is created in the Executive Office of the Governor, which shall provide administrative support and service to the cabinet.

(c) ~~The cabinet shall meet for its organizational session no later than October 1, 2007. Thereafter,~~ The cabinet shall meet at least four ~~six~~ times each year in different regions of the state in order to solicit input from the public and any other individual offering testimony relevant to the issues considered. Each meeting must include a public comment session.

Section 21. This act shall take effect July 1, 2012.