

Committee on Children, Families, And Elder Affairs

CS/CS/CS/HB 1163— Adoption

by Health and Human Services Committee; Appropriations Committee; Health and Human Services Access Subcommittee; Rep. Adkins and others (CS/CS/SB 1874 by Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senator Wise)

This bill substantially amends the Florida Adoption Act. Specifically, the bill:

- Requires that a petition for termination of parental rights contain facts supporting the allegation that the parents of the child is informed of the availability of private placement of the child with an adoption entity;
- Removes legislative intent that all placements of minors for adoption be reported to the Department of Children and Family Services (DCF or department);
- Amends certain definitions in ch. 63, F.S.;
- Exempts adoption proceedings which were initiated under ch. 39, F.S., from the requirement to search the Florida Putative Father Registry if the search was previously completed;
- Requires the use of an adoption entity for all adoptions of minor children, unless the adoption is by a relative or stepparent;
- Requires that a newborn who tests positive for illicit or prescription drugs or alcohol, but who shows no other signs of child abuse or neglect, be placed in the custody of a licensed child placing agency;
- Prohibits DCF from being involved with a properly surrendered newborn who tests positive for illicit or prescription drugs or alcohol, except when reasonable efforts to contact an adoption entity to take custody of the child fail;
- Prohibits a court from ordering scientific testing until the court determines that a previously entered judgment terminating parental rights is voidable;
- Prohibits a court from increasing contact between an adopted child and siblings, birth parents, or other relatives without the consent of the adoptive parents;
- Prohibits an attorney from removing a child, who was voluntarily surrendered to the attorney, from a prospective adoptive home without a court order unless the child is in danger of imminent harm;
- Revises the obligations and responsibilities of an unmarried biological father seeking to assert his parental rights with regard to his child;
- Requires a court to permit an adoption entity to intervene in a dependency case and outlines the responsibilities of the adoption entity throughout the proceedings;
- Authorizes the prospective adoptive parents to waive receipt of certain medical records;
- Outlines the duties of the court when considering a petition for termination of parental rights and, when the petition has been denied, providing for placement of the child;
- Places restrictions on advertisements offering a minor for adoption or seeking a minor for adoption and establishes criminal penalties for violations of the advertising restrictions;

- Creates the crime “adoption deception”;
- Clarifies the rights and obligations of a volunteer mother involved in a preplanned adoption agreement; and
- Makes technical and conforming changes.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 40-0; House 119-0