

Committee on Children, Families, and Elder Affairs

CS/CS/SB 1322 — Adoption

by Rules Committee; Judiciary Committee; and Senator Grall

The bill provides that a parent’s right to intervene in a ch. 39, F.S., dependency proceeding and change the prospective adoptive parents of a dependent child becomes increasingly limited as a dependency case proceeds closer to the termination of the parent’s rights. The bill provides legislative findings and intent to reduce the disruption of stable and bonded long-term placements that have been identified as prospective adoptive placements.

The bill limits a dependency-involved parent’s ability to execute a valid and binding consent to adoption with an adoption entity to the pendency of the ch. 39, F.S., proceeding up to and including the 30th day after the filing of the petition for termination of parental rights.

The bill creates a rebuttable presumption that a placement is stable and it is in the best interests of a child to remain in that placement if the child has been placed with the prospective adoptive parents for at least 9 continuous months, or 15 of the last 24 months. To rebut the presumption, an intervenor must show by clear and convincing evidence that it is in the best interests of the child to disrupt the current stable placement. The court must make this determination by evaluating the best interest factors enumerated in the statute.

The bill updates the factors a court must consider when making a determination of best interests for a child to align with practice and conform with the substantive changes of the bill.

The bill requires a reasonable time for transition in accordance with a transition plan developed by the DCF and other stakeholders if a change of placement is found to be in the best interests of the child.

The bill makes multiple changes in other sections of ch. 63, F.S., to conform statutes to practice and clean up terminology and citations. Specifically, the bill:

- Amends s. 63.087(3), F.S., to revise the clerk of court’s responsibilities in adoption proceedings by requiring the clerk to issue a separate case number and also maintain a court file for a petition for adoption that is separate from the termination of the parental rights file. This strengthens the confidentiality of the adoption proceeding by ensuring that the adoption information is not available to a parent who has had his or her parental rights terminated. To conform with this substantive change, the bill also requires that the petition for adoption include a copy of the original birth certificate of the child before the final hearing is held to terminate parental rights. Currently, there is no requirement for this filing and it will ensure the court is aware of any fathers whose rights may be addressed in the ch. 63, F.S., adoption proceeding.
- Amends s. 63.122(2), F.S., to require notice for an adoption proceeding under ch. 63, F.S., be provided as prescribed by the Florida Family Law Rules of Procedure, not the Florida Rules of Civil Procedure, to conform with current practice.

- Amends s. 63.212(1)(c), F.S., to delete the “medical needs” limiting language referring to certain expenses that are payable to a mother within 6 weeks after the birth of the child. Currently, to pay for certain expenses to a mother for up to 6 weeks after the birth of the child, the law required medical need to require such support.

Finally, the bill creates an unnumbered section of law requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to update a certain report and include an analysis of time to permanency by adoption; provide a general overview of adoptions; conduct a national comparative analysis of state processes that allow private adoption entities to intervene or participate in dependency cases and requires the DCF and licensed child-caring and child-placing agencies to provide OPPAGA with certain data by dates certain. The analysis and report is due to the President of the Senate and Speaker of the House of Representatives by January 1, 2024.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 116-0