

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 452

SPONSOR: Committee on Children and Families and Senator Peadar

SUBJECT: Proceedings Relating to Children

DATE: March 9, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barnes	Whiddon	CF	Favorable/CS
2.	_____	_____	AHS	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Committee Substitute for Senate Bill 452 modifies an existing factor and adds a new factor for determining a child to be dependent. Current law is amended adding that a child is dependent if no parent or legal custodian is available to, as well as capable of, providing supervision which would include a parent or legal guardian who is incarcerated.

A new factor is added that concerns the involvement of the parent(s) in egregious conduct or the parent(s) had the opportunity and capability to prevent and knowingly failed to prevent egregious conduct threatening the life, safety, or physical, mental, or emotional health of the child or the child's siblings.

This bill substantially amends section 39.01, of the Florida Statutes.

II. Present Situation:

Section 39.01(14), F.S., contains the definition for "child who is found to be dependent." Several of the reasons in this section of law for determining a dependent child include:

- Child is abandoned, abused, or neglected by the child's parent(s) or legal custodians;
- Child is surrendered to the department or a licensed child-placing agency for purposes of adoption;
- No parent or legal custodian is capable of providing supervision and care to the child; or
- The child is at substantial risk of imminent abuse, abandonment, or neglect by the parent(s) or legal custodians.

In the case of *M.F. and M.F., etc. vs. Florida Department of Children and Families* 2000 WL 1508584 (Fla.), the Florida Supreme Court concluded that confirmation by the Department of Children and Family Services that a parent committed a sex act on one child does not by itself

constitute proof that the parent poses a substantial risk of imminent abuse or neglect to the child's sibling and is not automatically dispositive of the issue of dependency.

III. Effect of Proposed Changes:

CS/SB 452 amends s. 39.01(14)(e), F.S., by specifying that a child is dependent if there is no parent or legal custodian available to or capable of providing supervision and care. A parent or legal custodian would include a parent or legal custodian who is incarcerated.

Section 39.01(14)(g), F.S., adds a new factor for determining a child to be dependent by specifying the involvement of the parent(s) in egregious conduct or the parent(s) had the opportunity and capability to prevent and knowingly failed to prevent egregious conduct threatening the life, safety, or physical, mental, or emotional health of the child or the child's siblings.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
