



509848

586-03990A-08

Proposed Committee Substitute by the Committee on Children,
Families, and Elder Affairs.

1 A bill to be entitled

2 An act relating to child protection; amending s. 39.01,
3 F.S.; redefining the terms "abandoned," "harm," and
4 "relative"; defining the term "child who has exhibited
5 inappropriate sexual behavior"; amending s. 39.0121, F.S.;
6 authorizing the Department of Children and Family Services
7 to adopt rules providing for locating and recovering
8 missing children who are involved with the department;
9 providing requirements for reports; amending s. 39.0138,
10 F.S.; requiring a criminal history check of persons being
11 considered for placement of a child to include a search of
12 the department's automated abuse information system;
13 authorizing the department to adopt rules establishing
14 standards for evaluating such information; creating s.
15 39.0141, F.S.; requiring the department, the community-
16 based care provider, or sheriff's office to file a report
17 following a determination that a child involved with the
18 department is missing; amending s. 39.201, F.S.; providing
19 for the reporting of a child who has exhibited
20 inappropriate sexual behavior to the central abuse
21 hotline; amending s. 39.301, F.S.; providing certain
22 exceptions to the requirements that a child protective
23 investigation be closed within 60 days; amending s.
24 39.307, F.S.; revising provision relating to the provision
25 of services to a child in cases of child-on-child sexual
26 abuse to include a child who has exhibited inappropriate
27 sexual behavior; amending s. 39.401, F.S.; requiring



509848

586-03990A-08

28 | judicial approval for the placement of a child with a
29 | nonrelative; amending s. 39.502, F.S.; providing for
30 | notice to foster or preadoptive parents of any hearings
31 | involving the child in their care; amending s. 39.504,
32 | F.S.; revising procedures related to injunctions issued to
33 | protect a child; requiring that such injunctions remain in
34 | effect until modified or dissolved by the court; amending
35 | s. 39.521, F.S.; providing an exception from the
36 | requirement for a predisposition study in dependency
37 | proceedings; conforming cross-references; amending s.
38 | 39.701, F.S.; requiring that notice of a judicial review
39 | of a child's status be served on certain persons
40 | regardless of whether they attended a prior hearing at
41 | which the hearing was announced; amending s. 39.8055,
42 | F.S.; revising provisions relating to filing a petition to
43 | terminate parental rights; expanding the grounds for
44 | terminating parental rights to include conviction for the
45 | murder, manslaughter, or conspiracy to murder another
46 | child of the parent; amending s. 39.806, F.S.; adding
47 | additional grounds for terminating parental rights;
48 | creating s. 39.8061, F.S.; providing criteria for the
49 | court's determination of the least restrictive means of
50 | protecting a child's when considering a termination of
51 | parental rights; amending s. 63.032, F.S.; redefining the
52 | term "relative"; amending s. 322.142, F.S.; authorizing
53 | the Department of Children and Family Services to be
54 | provided copies of driver's license files maintained by
55 | the Department of Highway Safety and Motor Vehicles for
56 | the purpose of conducting protective investigations;
57 | amending s. 402.401, F.S., relating to the Florida Child



509848

586-03990A-08

58 Welfare Student Loan Forgiveness Program; transferring
59 administration of the program to the Department of
60 Children and Family Services; amending s. 409.175, F.S.;
61 revising requirements for licensure as a foster home or
62 child-caring agency; deleting the exemption from licensure
63 for persons who receive a child from the department;
64 clarifying that a permanent guardian is exempt from
65 licensure; amending s. 409.401, F.S.; revising provisions
66 relating to the Interstate Compact on the Placement of
67 Children; narrowing the applicability of the compact to
68 children in the foster care system and to the interstate
69 placement of children for adoption; allowing for
70 residential facility placement with notice to the
71 receiving state; allowing for the provisional placement of
72 children with a relative pending meeting the receiving
73 state's requirements for the education and training of
74 prospective foster or adoptive parents; requiring the
75 development of timeframes for completing the placement
76 approval process; providing enforcement mechanisms;
77 creating an Interstate Commission for the Placement of
78 Children comprised of the member states; establishing
79 rulemaking authority for the commission; repealing ss.
80 409.402 and 409.403, F.S., relating to the Interstate
81 Compact on the Placement of Children; amending s. 409.404,
82 F.S.; deleting cross-references; amending s. 787.04, F.S.;
83 prohibiting a person from knowingly and willfully taking
84 or removing a minor from the state or concealing the
85 location of a minor during the pendency of a dependency
86 proceeding or any other action concerning alleged abuse or
87 neglect of the minor; amending s. 937.021, F.S.; requiring



509848

586-03990A-08

88 | that a report of a missing child made by the department, a
89 | community-based care provider, or a sheriff's office be
90 | treated as a missing child report filed by a parent or
91 | guardian; prohibiting a law enforcement agency from
92 | requiring an order that a child be taken into custody or
93 | any other such order before accepting a missing child
94 | report for investigation; amending s. 985.04, F.S.;
95 | providing for the disclosure of certain records relating
96 | to children having a history of inappropriate sexual
97 | behavior to schools superintendents; amending chapter
98 | 2007-174, Laws of Florida; extending the date for the
99 | repeal of provisions authorizing the reorganization of the
100 | Department of Children and Family Services; providing for
101 | retroactive application; amending ss. 39.0015, 39.205,
102 | 39.302, 39.6011, 39.811, 39.828, and 419.001, F.S.;
103 | conforming cross-references; providing effective dates.
104 |

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

106 |
107 | Section 1. Subsection (1), paragraph (g) of present
108 | subsection (31), and present subsection (63) of section 39.01,
109 | Florida Statutes, are amended, present subsections (14) through
110 | (74) are renumbered as subsections (15) through (75),
111 | respectively, and a new subsection (14) is added to that section,
112 | to read:

113 | 39.01 Definitions.--When used in this chapter, unless the
114 | context otherwise requires:

115 | (1) "Abandoned" or "abandonment" means a situation in which
116 | the parent or legal custodian of a child or, in the absence of a
117 | parent or legal custodian, the caregiver ~~responsible for the~~



509848

586-03990A-08

118 ~~child's welfare, while being able, makes no provision for the~~
119 ~~child's support and has failed to establish or maintain a~~
120 ~~substantial and positive relationship with the child. For~~
121 ~~purposes of this subsection, "establish or maintain a substantial~~
122 ~~and positive relationship" includes, but is not limited to,~~
123 ~~frequent and regular contact with the child through frequent and~~
124 ~~regular visitation or frequent and regular communication to or~~
125 ~~with the child, and the exercise of parental rights and~~
126 ~~responsibilities. Incidental or token visits or communications~~
127 ~~are not sufficient to establish or maintain a substantial and~~
128 ~~positive relationship with a child. and makes no effort to~~
129 ~~communicate with the child, which situation is sufficient to~~
130 ~~evince a willful rejection of parental obligations. If the~~
131 ~~efforts of the parent or legal custodian, or caregiver primarily~~
132 ~~responsible for the child's welfare, to support and communicate~~
133 ~~with the child are, in the opinion of the court, only marginal~~
134 ~~efforts that do not evince a settled purpose to assume all~~
135 ~~parental duties, the court may declare the child to be abandoned.~~
136 The term "abandoned" does not include an abandoned newborn infant
137 as described in s. 383.50, a "child in need of services" as
138 defined in chapter 984, or a "family in need of services" as
139 defined in chapter 984. The incarceration of a parent, legal
140 custodian, or caregiver responsible for a child's welfare may
141 support a finding of abandonment.

142 (14) "Child who has exhibited inappropriate sexual
143 behavior" means a toddler or young child who is 12 years of age
144 or younger and who has been found by the department or the court
145 to have committed an inappropriate sexual act on himself or
146 herself or another individual.



509848

586-03990A-08

147 ~~(32)(31)~~ "Harm" to a child's health or welfare can occur
148 when any person:

149 (g) Exposes a child to a controlled substance or alcohol.
150 Exposure to a controlled substance or alcohol is established by:

151 1. A test, administered at birth, which indicated that the
152 child's blood, urine, or meconium contained any amount of alcohol
153 or a controlled substance or metabolites of such substances, the
154 presence of which was not the result of medical treatment
155 administered to the mother or the newborn infant ~~Use by the~~
156 ~~mother of a controlled substance or alcohol during pregnancy when~~
157 ~~the child, at birth, is demonstrably adversely affected by such~~
158 ~~usage; or~~

159 2. Evidence of extensive, abusive, and ~~Continued~~ chronic
160 ~~and severe~~ use of a controlled substance or alcohol by a parent
161 when the child is demonstrably adversely affected by such usage.

162
163 As used in this paragraph, the term "controlled substance" means
164 prescription drugs not prescribed for the parent or not
165 administered as prescribed and controlled substances as outlined
166 in Schedule I or Schedule II of s. 893.03.

167 ~~(64)(63)~~ "Relative" means a grandparent, great-grandparent,
168 sibling, first cousin, aunt, uncle, great-aunt, great-uncle,
169 niece, or nephew, whether related by the whole or half blood, by
170 affinity, or by adoption. The term may include the adoptive
171 parent of a blood sibling who was adopted from the child welfare
172 system. The term does not include a stepparent.

173 Section 2. Subsection (16) is added to section 39.0121,
174 Florida Statutes, to read:

175 39.0121 Specific rulemaking authority.--Pursuant to the
176 requirements of s. 120.536, the department is specifically



509848

586-03990A-08

177 | authorized to adopt, amend, and repeal administrative rules which
178 | implement or interpret law or policy, or describe the procedure
179 | and practice requirements necessary to implement this chapter,
180 | including, but not limited to, the following:

181 | (16) Provisions for reporting, locating, recovering, and
182 | stabilizing children whose whereabouts become unknown while they
183 | are involved with the department and for preventing recurrences
184 | of such incidents. At a minimum, the rules must:

185 | (a) Provide comprehensive, explicit, and consistent
186 | guidelines to be followed by the department's employees and
187 | contracted providers when the whereabouts of a child involved
188 | with the department is unknown.

189 | (b) Include criteria to determine when a child is missing
190 | for purposes of making a report to a law enforcement agency, and
191 | require that in all cases in which a law enforcement agency has
192 | accepted a case for criminal investigation pursuant to s.
193 | 39.301(2)(c) and the child's whereabouts are unknown, the child
194 | shall be considered missing and a report made.

195 | (c) Include steps to be taken by employees and contracted
196 | providers to ensure and provide evidence that parents and
197 | guardians have been advised of the requirements of s. 787.04(3)
198 | and that violations are reported.

199 | Section 3. Subsection (1) of section 39.0138, Florida
200 | Statutes, is amended, and subsection (8) is added to that
201 | section, to read:

202 | 39.0138 Criminal history records check; limit on placement
203 | of a child.--

204 | (1) The department shall conduct a criminal history records
205 | check on ~~for~~ all persons being considered by the department ~~for~~
206 | ~~approval~~ for placement of a child subject to a placement decision



509848

586-03990A-08

207 | under this chapter, including all nonrelative placement
208 | decisions, all members of the household of the person being
209 | considered, and frequent visitors to the household. For purposes
210 | of this section, a criminal history records check may include,
211 | but is not limited to, submission of fingerprints to the
212 | Department of Law Enforcement for processing and forwarding to
213 | the Federal Bureau of Investigation for state and national
214 | criminal history information, and local criminal records checks
215 | through local law enforcement agencies. A criminal history
216 | records check must also include a search of the department's
217 | automated abuse information system. The department shall
218 | establish by rule standards for evaluating any information
219 | contained in the automated system relating to a person who must
220 | be screened for purposes of making a placement decision.

221 | Section 4. Section 39.0141, Florida Statutes, is created to
222 | read:

223 | 39.0141 Missing children; report required.--Whenever the
224 | whereabouts of a child involved with the department becomes
225 | unknown, the department, the community-based care provider, or
226 | the sheriff's office providing investigative services for the
227 | department shall make reasonable efforts, as defined by rule, to
228 | locate the child. If, pursuant to criteria established by rule,
229 | the child is determined to be missing, the department, the
230 | community-based care provider, or the sheriff's office shall file
231 | a report that the child is missing in accordance with s. 937.021.

232 | Section 5. Paragraph (f) of subsection (2) of section
233 | 39.201, Florida Statutes, is amended to read:

234 | 39.201 Mandatory reports of child abuse, abandonment, or
235 | neglect; mandatory reports of death; central abuse hotline.--

236 | (2)



509848

586-03990A-08

237 (f) Reports involving a known or suspected juvenile sexual
238 offender or a child who has exhibited inappropriate sexual
239 behavior shall be made and received by the department.

240 1. The department shall determine the age of the alleged
241 ~~juvenile sexual~~ offender, if known.

242 2. ~~If~~ ~~When~~ the alleged ~~juvenile sexual~~ offender is 12 years
243 of age or younger, the central abuse hotline shall immediately
244 electronically transfer the call to the appropriate law
245 enforcement agency office. The department shall conduct an
246 assessment and assist the family in receiving appropriate
247 services pursuant to s. 39.307, and send a written report of the
248 allegation to the law enforcement agency ~~appropriate county~~
249 ~~sheriff's office~~ within 48 hours after the initial report is made
250 to the central abuse hotline.

251 3. ~~If~~ ~~When~~ the alleged ~~juvenile sexual~~ offender is 13 years
252 of age or older, the central abuse hotline ~~department~~ shall
253 immediately electronically transfer the call to the appropriate
254 law enforcement agency ~~county sheriff's office by the central~~
255 ~~abuse hotline~~, and send a written report to the law enforcement
256 agency ~~appropriate county sheriff's office~~ within 48 hours after
257 the initial report to the central abuse hotline.

258 Section 6. Subsection (16) of section 39.301, Florida
259 Statutes, is amended to read:

260 39.301 Initiation of protective investigations.--

261 (16) The department shall complete its protective
262 investigation within ~~No later than~~ 60 days after receiving the
263 initial report, unless: ~~the local office of the department shall~~
264 ~~complete its investigation.~~

265 (a) There is also an active, concurrent criminal
266 investigation that is continuing beyond the 60-day period and the



509848

586-03990A-08

267 closure of the protective investigation may compromise successful
268 criminal prosecution of the child abuse or neglect case, in which
269 case the closure date shall coincide with the closure date of the
270 criminal investigation and any resulting legal action.

271 (b) In child death cases, the final report of the medical
272 examiner is necessary for the department to close its
273 investigation, and the report has not been received within the
274 60-day period, in which case the report closure date shall be
275 extended to accommodate to the report.

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

282 Section 7. Subsections (2), (3), (4), and (5) of section
283 39.307, Florida Statutes, are amended to read:

284 39.307 Reports of child-on-child sexual abuse.--

285 (2) District staff, at a minimum, shall adhere to the
286 following procedures:

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

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

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



509848

586-03990A-08

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

302 | (b) The caregiver of the alleged juvenile sexual offender
303 | or child who has exhibited inappropriate sexual behavior and the
304 | victim's caregiver ~~of the victim~~ shall be involved to the fullest
305 | extent possible in determining the nature of the allegation and
306 | the nature of any problem or risk to other children.

307 | (c) The assessment of risk and the perceived treatment
308 | needs of the alleged juvenile sexual offender or child who has
309 | exhibited inappropriate sexual behavior, the victim, and
310 | respective caregivers shall be conducted by the district staff,
311 | the child protection team of the Department of Health, and other
312 | providers under contract with the department to provide services
313 | to the caregiver of the alleged offender, the victim, and the
314 | victim's caregiver.

315 | (d) The assessment shall be conducted in a manner that is
316 | sensitive to the social, economic, and cultural environment of
317 | the family.

318 | (e) ~~If when~~ necessary, the child protection team of the
319 | Department of Health shall conduct a physical examination of the
320 | victim, which is sufficient to meet forensic requirements.

321 | (f) Based on the information obtained from the alleged
322 | juvenile sexual offender or child who has exhibited inappropriate
323 | sexual behavior, his or her ~~the alleged juvenile sexual~~
324 | ~~offender's~~ caregiver, the victim, and the victim's caregiver, an
325 | assessment service and treatment needs report must be completed



509848

586-03990A-08

326 within 7 days and, if needed, a case plan developed within 30
327 days.

328 (g) The department shall classify the outcome of ~~its~~
329 ~~initial assessment of~~ the report as follows:

330 1. Report closed. Services were not offered ~~to the alleged~~
331 ~~juvenile sexual offender~~ because the department determined that
332 there was no basis for intervention.

333 2. Services accepted by alleged offender. Services were
334 offered to the alleged juvenile sexual offender or child who has
335 exhibited inappropriate sexual behavior and accepted by the
336 caregiver.

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

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

345 5. Services accepted by victim. Services were offered to
346 the victim ~~of the alleged juvenile sexual offender~~ and accepted
347 by the caregiver.

348 6. Report closed. Services were offered to the victim ~~of~~
349 ~~the alleged juvenile sexual offender~~, but were rejected by the
350 caregiver.

351 (3) If ~~When~~ services have been accepted by the alleged
352 juvenile sexual offender or child who has exhibited inappropriate
353 sexual behavior, the victim, and respective caregivers ~~or family~~,
354 the department shall designate a case manager and develop a
355 specific case plan.



509848

586-03990A-08

356 (a) Upon receipt of the plan, the caregiver ~~or family~~ shall
357 indicate its acceptance of the plan in writing.

358 (b) The case manager shall periodically review the progress
359 toward achieving the objectives of the plan in order to:

360 1. Make adjustments to the plan or take additional action
361 as provided in this part; or

362 2. Terminate the case if ~~when~~ indicated by successful or
363 substantial achievement of the objectives of the plan.

364 (4) Services provided to the alleged juvenile sexual
365 offender or child who has exhibited inappropriate sexual
366 behavior, the victim, and respective caregivers or family must be
367 voluntary and of necessary duration.

368 (5)(4) If ~~In the event~~ the family or caregiver of the
369 alleged juvenile sexual offender ~~or child who has exhibited~~
370 inappropriate sexual behavior fails to adequately participate or
371 allow for the adequate participation of the child ~~juvenile sexual~~
372 ~~offender~~ in the services or treatment delineated in the case
373 plan, the case manager may recommend that the department:

374 (a) Close the case;

375 (b) Refer the case to mediation or arbitration, if
376 available; or

377 (c) Notify the appropriate law enforcement agency of
378 failure to comply.

379 ~~(5) Services to the alleged juvenile sexual offender, the~~
380 ~~victim, and respective caregivers or family under this section~~
381 ~~shall be voluntary and of necessary duration.~~

382 Section 8. Subsection (3) of section 39.401, Florida
383 Statutes, is amended, and subsection (5) is added to that
384 section, to read:



509848

586-03990A-08

385 39.401 Taking a child alleged to be dependent into custody;
386 law enforcement officers and authorized agents of the
387 department.--

388 (3) If the child is taken into custody by, or is delivered
389 to, an authorized agent of the department, the ~~authorized~~ agent
390 shall review the facts supporting the removal with an attorney
391 representing the department. The purpose of the ~~this~~ review is
392 ~~shall be~~ to determine whether there is probable cause ~~exists~~ for
393 the filing of a shelter petition.

394 (a) If the facts are not sufficient ~~to support the filing~~
395 ~~of a shelter petition~~, the child shall immediately be returned to
396 the custody of the parent or legal custodian.

397 (b) If the facts are sufficient ~~to support the filing of~~
398 ~~the shelter petition~~ and the child has not been returned to the
399 custody of the parent or legal custodian, the department shall
400 file the petition and schedule a hearing, and the attorney
401 representing the department shall request that a shelter hearing
402 be held within ~~as quickly as possible, not to exceed~~ 24 hours
403 after the removal of the child. While awaiting the shelter
404 hearing, the authorized agent of the department may place the
405 child in licensed shelter care or may release the child to a
406 parent or legal custodian or responsible adult relative who shall
407 be given priority consideration over a licensed placement, or a
408 responsible adult approved by the department if ~~when~~ this is in
409 the best interests of the child. ~~Any~~ Placement of a child which
410 is not in a licensed shelter must be preceded by a criminal
411 history records check as required under s. 39.0138 ~~local and~~
412 ~~state criminal records check, as well as a search of the~~
413 ~~department's automated abuse information system, on all members~~
414 ~~of the household, to assess the child's safety within the home.~~



509848

586-03990A-08

415 In addition, the department may authorize placement of a
416 housekeeper/homemaker in the home of a child alleged to be
417 dependent until the parent or legal custodian assumes care of the
418 child.

419 (5) Judicial review and approval is required within 24
420 hours after placement for all nonrelative placements. A
421 nonrelative placement must be for a specific and predetermined
422 period of time, not to exceed 12 months, and shall be reviewed by
423 the court at least every 6 months. If the nonrelative placement
424 continues for longer than 12 months, the department shall request
425 the court to establish permanent guardianship or require that the
426 nonrelative seek licensure as a foster care provider within 30
427 days after the court decision.

428 Section 9. Subsection (17) of section 39.502, Florida
429 Statutes, is amended to read:

430 39.502 Notice, process, and service.--

431 (17) The parent or legal custodian of the child, the
432 attorney for the department, the guardian ad litem, the foster or
433 preadoptive parents, and all other parties and participants shall
434 be given reasonable notice of all proceedings and hearings
435 provided for under this part. All foster or preadoptive parents
436 must be provided with at least 72 hours' notice, verbally or in
437 writing, of all proceedings or hearings relating to children in
438 their care or children they are seeking to adopt to ensure the
439 ability to provide input to the court.

440 Section 10. Section 39.504, Florida Statutes, is amended to
441 read:

442 39.504 Injunction pending disposition of petition;
443 penalty.--



509848

586-03990A-08

444 (1)(a) At any time after a protective investigation has
445 been initiated pursuant to part III of this chapter ~~When a~~
446 ~~petition for shelter placement or a petition for dependency has~~
447 ~~been filed or when a child has been taken into custody and~~
448 ~~reasonable cause, as defined in paragraph (b), exists,~~ the court,
449 upon the request of the department, a law enforcement officer,
450 the state attorney, or other responsible person, or upon its own
451 motion, may, if there is reasonable cause, ~~shall have the~~
452 ~~authority to~~ issue an injunction to prevent any act of child
453 abuse or any unlawful sexual offense involving a child.

454 ~~(b)~~ Reasonable cause for the issuance of an injunction
455 exists if there is evidence of child abuse ~~or an unlawful sexual~~
456 ~~offense involving a child~~ or if there is a reasonable likelihood
457 of such abuse ~~or offense~~ occurring based upon a recent overt act
458 or failure to act.

459 (2) Notice shall be provided to the parties as set forth in
460 the Florida Rules of Juvenile Procedure, unless the child is
461 reported to be in imminent danger, in which case the court may
462 issue an injunction immediately. A judge may issue an emergency
463 injunction pursuant to this section without notice if at times
464 ~~when~~ the court is closed for the transaction of judicial
465 business. If ~~When~~ such an immediate injunction is issued, the
466 court must ~~shall~~ hold a hearing on the next day of judicial
467 business ~~either~~ to dissolve the injunction or to continue or
468 modify it in accordance with ~~the other provisions of~~ this
469 section.

470 (3)(a) If ~~In every instance in which~~ an injunction is
471 issued under this section, the primary purpose of the injunction
472 must be ~~shall be primarily~~ to protect and promote the best
473 interests of the child, taking the preservation of the child's



509848

586-03990A-08

474 immediate family into consideration. ~~The effective period of the~~
475 ~~injunction shall be determined by the court, except that the~~
476 ~~injunction will expire at the time of the disposition of the~~
477 ~~petition for shelter placement or dependency.~~

478 ~~(a)-(b)~~ The injunction shall apply to the alleged or actual
479 offender in a case of child abuse or acts of domestic violence ~~an~~
480 ~~unlawful sexual offense involving a child.~~ The conditions of the
481 injunction shall be determined by the court, which conditions may
482 include ordering the alleged or actual offender to:

483 1. Refrain from further abuse or acts of domestic violence
484 ~~unlawful sexual activity involving a child.~~

485 2. Participate in a specialized treatment program.

486 3. Limit contact or communication with the child victim,
487 other children in the home, or any other child.

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

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

491 6. Pay temporary support for the child or other family
492 members; the costs of medical, psychiatric, and psychological
493 treatment for the child ~~victim~~ incurred as a result of the
494 offenses; and similar costs for other family members.

495 7. Vacate the home in which the child resides.

496 ~~(b)-(c)~~ If the intent of the injunction is to protect the
497 child from domestic violence, the conditions may also include:

498 1. Awarding the exclusive use and possession of the
499 dwelling to the caregiver or excluding the alleged or actual
500 offender from the residence of the caregiver.

501 2. Awarding the temporary custody of the child to the
502 caregiver.



509848

586-03990A-08

503 3. Establishing temporary support for the child. ~~At any~~
504 ~~time prior to the disposition of the petition, the alleged or~~
505 ~~actual offender may offer the court evidence of changed~~
506 ~~circumstances as a ground to dissolve or modify the injunction.~~

507
508 This paragraph does not preclude the adult victim of domestic
509 violence from seeking protection under s. 741.30.

510 (c) The terms of the injunction shall remain in effect
511 until modified or dissolved by the court. The petitioner,
512 respondent, or caregiver may move at any time to modify or
513 dissolve the injunction. The injunction is valid and enforceable
514 in all counties in the state.

515 (4) A copy of any injunction issued pursuant to this
516 section shall be delivered to the ~~protected party, or a parent or~~
517 ~~caregiver or individual acting in the place of a parent who is~~
518 ~~not the respondent by, and to any law enforcement agency having~~
519 jurisdiction to enforce the ~~such~~ injunction. Upon delivery of the
520 injunction to the appropriate law enforcement agency, the agency
521 shall have the duty and responsibility to enforce the injunction,
522 and law enforcement officers may exercise their arrest powers as
523 provided in s. 901.15(6).

524 (5) Any person who fails to comply with an injunction
525 issued pursuant to this section commits ~~is guilty of~~ a
526 misdemeanor of the first degree, punishable as provided in s.
527 775.082 or s. 775.083.

528 Section 11. Paragraphs (a) and (f) of subsection (1) of
529 section 39.521, Florida Statutes, are amended to read:

530 39.521 Disposition hearings; powers of disposition.--

531 (1) A disposition hearing shall be conducted by the court,
532 if the court finds that the facts alleged in the petition for



509848

586-03990A-08

533 dependency were proven in the adjudicatory hearing, or if the
534 parents or legal custodians have consented to the finding of
535 dependency or admitted the allegations in the petition, have
536 failed to appear for the arraignment hearing after proper notice,
537 or have not been located despite a diligent search having been
538 conducted.

539 (a) A written case plan and a predisposition study prepared
540 by an authorized agent of the department must be filed with the
541 court, ~~and~~ served upon the parents of the child, provided to the
542 representative of the guardian ad litem program, if the program
543 has been appointed, and provided to all other parties, not less
544 than 72 hours before the disposition hearing. All such case plans
545 must be approved by the court. If the court does not approve the
546 case plan at the disposition hearing, the court must set a
547 hearing within 30 days after the disposition hearing to review
548 and approve the case plan. The court may grant an exception to
549 the requirement for a predisposition study by separate order or
550 within the judge's order of disposition upon finding that all the
551 family and child information required by subsection (2) is
552 available in other documents filed with the court.

553 (f) If the court places the child in an out-of-home
554 placement, the disposition order must include a written
555 determination that the child cannot safely remain at home with
556 reunification or family preservation services and that removal of
557 the child is necessary to protect the child. If the child is ~~has~~
558 ~~been~~ removed before the disposition hearing, the order must also
559 include a written determination as to whether, after removal, the
560 department ~~has~~ made a reasonable effort to reunify the parent and
561 child, ~~if reasonable efforts are required~~. Reasonable efforts to
562 reunify are not required if the court finds ~~has found~~ that any of



509848

586-03990A-08

563 the acts listed in s. 39.806(1)(f)-(l) ~~s. 39.806(1)(f)-(i)~~ have
564 occurred. The department has the burden of demonstrating that it
565 ~~has~~ made reasonable efforts ~~under this paragraph~~.

566 1. For the purposes of this paragraph, the term "reasonable
567 effort" means the exercise of reasonable diligence and care by
568 the department to provide the services ordered by the court or
569 delineated in the case plan.

570 2. In support of its determination as to whether reasonable
571 efforts have been made, the court shall:

572 a. Enter written findings as to whether ~~or not~~ prevention
573 or reunification efforts were indicated.

574 b. If prevention or reunification efforts were indicated,
575 include a brief written description of what appropriate and
576 available prevention and reunification efforts were made.

577 c. Indicate in writing why further efforts could or could
578 not have prevented or shortened the separation of the parent and
579 child.

580 3. A court may find that the department ~~has~~ made a
581 reasonable effort to prevent or eliminate the need for removal
582 if:

583 a. The first contact of the department with the family
584 occurs during an emergency;

585 b. The appraisal by the department of the home situation
586 indicates ~~that it presents~~ a substantial and immediate danger to
587 the child's safety or physical, mental, or emotional health which
588 cannot be mitigated by the provision of preventive services;

589 c. The child cannot safely remain at home, ~~either~~ because
590 there are no preventive services that can ensure the health and
591 safety of the child or, even with appropriate and available



509848

586-03990A-08

592 services being provided, the health and safety of the child
593 cannot be ensured; or

594 d. The parent is alleged to have committed any of the acts
595 listed as grounds for expedited termination of parental rights
596 under s. 39.806(1)(f)-(l) in s. 39.806(1)(f)-(i).

597 4. A reasonable effort by the department for reunification
598 ~~of the parent and child~~ has been made if the appraisal of the
599 home situation by the department indicates that the severity of
600 the conditions of dependency is such that reunification efforts
601 are inappropriate. The department has the burden of demonstrating
602 to the court that reunification efforts were inappropriate.

603 5. If the court finds that the prevention or reunification
604 effort of the department would not have permitted the child to
605 remain safely at home, the court may commit the child to the
606 temporary legal custody of the department or take any other
607 action authorized by this chapter.

608 Section 12. Subsection (5) of section 39.701, Florida
609 Statutes, is amended to read:

610 39.701 Judicial review.--

611 (5) Notice of a judicial review hearing or a citizen review
612 panel hearing, and a copy of the motion for judicial review, if
613 any, must be served by the clerk of the court upon on all of the
614 following persons regardless of whether the person was present at
615 the previous hearing at which the date, time, and location of the
616 hearing was announced:

617 (a) The social service agency charged with the supervision
618 of care, custody, or guardianship of the child, if that agency is
619 not the movant.

620 (b) The foster parent or legal custodian in whose home the
621 child resides.



509848

586-03990A-08

622 (c) The parents.

623 (d) The guardian ad litem for the child, or the
624 representative of the guardian ad litem program if the program
625 has been appointed.

626 (e) Any preadoptive parent.

627 (f) Such other persons as the court may ~~in its discretion~~
628 direct.

629

630 ~~Service of notice is not required on any of the persons listed in~~
631 ~~paragraphs (a)-(f) if the person was present at the previous~~
632 ~~hearing during which the date, time, and location of the hearing~~
633 ~~was announced.~~

634 Section 13. Subsection (1) of section 39.8055, Florida
635 Statutes, is amended to read:

636 39.8055 Requirement to file a petition to terminate
637 parental rights; exceptions.--

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

640 (a) At the time of the 12-month judicial review hearing, a
641 child is not returned to the physical custody of the parents;

642 (b) A petition for termination of parental rights has not
643 otherwise been filed, and the child has been in out-of-home care
644 under the responsibility of the state for 12 ~~15~~ of the most
645 recent 22 months, calculated on a cumulative basis, but not
646 including any trial home visits or time during which the child
647 was a runaway;

648 (c) A parent has been convicted of the murder ~~of the other~~
649 ~~parent~~, manslaughter ~~of the other parent~~, aiding or abetting the
650 murder, or conspiracy or solicitation to murder the other parent
651 or another child of the parent, or a felony battery that resulted



509848

586-03990A-08

652 in serious bodily injury to the child or to another ~~any other~~
653 child of the parent; or

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

656 Section 14. Paragraphs (e) through (h) of subsection (1) of
657 section 39.806, Florida Statutes, are amended, paragraphs (j),
658 (k), and (l) are added to that subsection, and subsections (2),
659 (3), and (4) of that section are amended, to read:

660 39.806 Grounds for termination of parental rights.--

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

663 (e) The ~~When a~~ child has been adjudicated dependent, a case
664 plan has been filed with the court, and the parent or parents
665 have materially breached the case plan. For purposes of this
666 subsection, the term "materially breached" means:

667 1. The child continues to be abused, neglected, or
668 abandoned by the parent or parents. ~~In this case,~~ The failure of
669 the parent or parents to substantially comply for a period of 9-
670 months ~~12 months~~ after an adjudication of the child as a
671 dependent child or the child's placement into shelter care,
672 whichever occurs ~~came~~ first, constitutes evidence of continuing
673 abuse, neglect, or abandonment unless the failure to
674 substantially comply with the case plan was due ~~either~~ to the
675 parent's lack of financial resources ~~of the parents~~ or to the
676 failure of the department to make reasonable efforts to reunify
677 the parent and child. The 9-month ~~12-month~~ period begins to run
678 only after the child's placement into shelter care or the entry
679 of a disposition order placing the custody of the child with the
680 department or a person other than the parent and the court's



509848

586-03990A-08

681 approval ~~by the court~~ of a case plan having the ~~with a~~ goal of
682 reunification with the parent, whichever occurs ~~came~~ first; ~~or~~

683 2. The parent or parents are unlikely or unable ~~The parent~~
684 ~~has materially breached the case plan by making it unlikely that~~
685 ~~he or she will be able to substantially comply with the case plan~~
686 ~~before the time for compliance expires; or. Time is of the~~
687 ~~essence for permanency of children in the dependency system. In~~
688 ~~order to prove the parent has materially breached the case plan,~~
689 ~~the court must find by clear and convincing evidence that the~~
690 ~~parent is unlikely or unable to substantially comply with the~~
691 ~~case plan before time expires to comply with the case plan.~~

692 3. The parent or parents, although able, fail to maintain
693 frequent and regular contact with the child through frequent and
694 regular visitation or communication.

695 (f) ~~When~~ The parent or parents engaged in egregious conduct
696 or had the opportunity and capability to prevent and knowingly
697 failed to prevent egregious conduct that threatens the life,
698 safety, or physical, mental, or emotional health of the child or
699 the child's sibling.

700 1. As used in this subsection, the term "sibling" means
701 another child who resides with or is cared for by the parent or
702 parents regardless of whether the child is related legally or by
703 consanguinity.

704 2. As used in this subsection, the term "egregious conduct"
705 means abuse, abandonment, neglect, or any other conduct ~~of the~~
706 ~~parent or parents~~ that is deplorable, flagrant, or outrageous by
707 a normal standard of conduct. Egregious conduct may include an
708 act or omission that occurred only once but was of such
709 intensity, magnitude, or severity as to endanger the life of the
710 child.



509848

586-03990A-08

711 (g) ~~When~~ The parent or parents have subjected the child or
712 another child to aggravated child abuse as defined in s. 827.03,
713 sexual battery or sexual abuse as defined in s. 39.01, or chronic
714 abuse.

715 (h) ~~When~~ The parent or parents have been convicted of the
716 murder, manslaughter, aiding or abetting the murder, or
717 conspiracy or solicitation to murder the other parent or another
718 child of the parent, or a felony battery that resulted in serious
719 bodily injury to the child or to another child of the parent
720 committed murder or voluntary manslaughter of another child, or a
721 felony assault that results in serious bodily injury to the child
722 or another child, or aided or abetted, attempted, conspired, or
723 solicited to commit such a murder or voluntary manslaughter or
724 felony assault.

725 (i) ~~When~~ The parental rights of the parent to a sibling of
726 the child have been terminated involuntarily.

727 (j) The parent or parents have a history of extensive,
728 abusive, and chronic use of alcohol or a controlled substance
729 which renders them incapable of caring for the child, and have
730 refused or failed to complete available treatment for such use
731 during the 3-year period immediately preceding the filing of the
732 petition for termination of parental rights.

733 (k) A test administered at birth that indicated that the
734 child's blood, urine, or meconium contained any amount of alcohol
735 or a controlled substance or metabolites of such substances, the
736 presence of which was not the result of medical treatment
737 administered to the mother or the newborn infant, and the
738 biological mother of the child is the biological mother of at
739 least one other child who was adjudicated dependent after a
740 finding of harm to the child's health or welfare due to exposure



509848

586-03990A-08

741 to a controlled substance or alcohol as defined in s.
742 39.01(31)(g), after which the biological mother had the
743 opportunity to participate in substance abuse treatment.

744 (1) On three or more occasions the child or another child
745 of the parent or parents has been placed in out-of-home care
746 pursuant to this chapter, and the conditions that led to the
747 child's out-of-home placement were caused by the parent or
748 parents.

749 (2) Reasonable efforts to preserve and reunify families are
750 not required if a court of competent jurisdiction has determined
751 that any of the events described in paragraphs (1)(e)-(1) ~~(1)(e)-~~
752 ~~(i)~~ have occurred.

753 (3) If ~~When~~ a petition for termination of parental rights
754 is filed under subsection (1), a separate petition for dependency
755 need not be filed and the department need not offer the parents a
756 case plan having ~~with~~ a goal of reunification, but may instead
757 file with the court a case plan having ~~with~~ a goal of termination
758 of parental rights to allow continuation of services until the
759 termination is granted or until further orders of the court are
760 issued.

761 (4) If ~~When~~ an expedited termination of parental rights
762 petition is filed, reasonable efforts shall be made to place the
763 child in a timely manner in accordance with the permanency plan,
764 and to complete whatever steps are necessary to finalize the
765 permanent placement of the child.

766 Section 15. Section 39.8061, Florida Statutes, is created
767 to read:

768 39.8061 Least restrictive means.--Before parental rights to
769 a child are permanently and involuntarily severed, the court must
770 conclude that termination is the least restrictive means of



509848

586-03990A-08

771 protecting the child. For purposes of determining the least
772 restrictive means, the court shall, at a minimum, consider the
773 following factors:

774 (1) Whether maintaining a bond between the parent or
775 parents and child will have a detrimental effect on a child's
776 ability to achieve permanency.

777 (2) Whether parental behaviors pose a risk of harm to a
778 child's mental, physical, or emotional well-being. If the court
779 finds that the parent or parents have engaged in egregious
780 conduct as provided in s. 39.806(1)(f), the court may find that
781 such conduct demonstrates conclusively that termination of
782 parental rights is the least restrictive means of protecting the
783 child.

784 (3) The likelihood that a child may be successfully and
785 safely reunified with the parent or parents in the immediate
786 future.

787 (4) The parent or parents' history of alcohol or substance
788 abuse, of seeking and complying with treatment for alcohol and
789 substance abuse, and the degree of success obtained through such
790 treatment.

791 (5) The parent or parents' past level of compliance with
792 services pursuant to a case plan for this child or another child.

793 (6) Whether there is an alternative to termination which is
794 consistent with a child's best interest, provides protection for
795 the child, and is likely to achieve timely permanency for the
796 child.

797 Section 16. Subsection (14) of section 63.032, Florida
798 Statutes, is amended to read:

799 63.032 Definitions.--As used in this chapter, the term:



509848

586-03990A-08

800 (14) "Relative" means a person related by blood to the
801 person being adopted within the third degree of consanguinity.
802 However, the term may include the adoptive parent of a blood
803 sibling who was adopted from the child welfare system.

804 Section 17. Subsection (4) of section 322.142, Florida
805 Statutes, is amended to read:

806 322.142 Color photographic or digital imaged licenses.--

807 (4) The department may maintain a film negative or print
808 file. The department shall maintain a record of the digital image
809 and signature of the licensees, together with other data required
810 by the department for identification and retrieval. Reproductions
811 from the file or digital record are exempt from the provisions of
812 s. 119.07(1) and shall be made and issued only for departmental
813 administrative purposes; for the issuance of duplicate licenses;
814 in response to law enforcement agency requests; to the Department
815 of State pursuant to an interagency agreement to facilitate
816 determinations of eligibility of voter registration applicants
817 and registered voters in accordance with ss. 98.045 and 98.075;
818 to the Department of Revenue pursuant to an interagency agreement
819 for use in establishing paternity and establishing, modifying, or
820 enforcing support obligations in Title IV-D cases; to the
821 Department of Children and Family Services pursuant to an
822 interagency agreement to conduct protective investigations under
823 part III of chapter 39; or to the Department of Financial
824 Services pursuant to an interagency agreement to facilitate the
825 location of owners of unclaimed property, the validation of
826 unclaimed property claims, and the identification of fraudulent
827 or false claims, and are exempt from the provisions of s.
828 119.07(1).



509848

586-03990A-08

829 Section 18. Section 402.401, Florida Statutes, is amended
830 to read:

831 402.401 Florida Child Welfare Student Loan Forgiveness
832 Program.--

833 ~~(1) There is created the Florida Child Welfare Student Loan~~
834 ~~Forgiveness Program to be administered by the Department of~~
835 ~~Children and Family Services Education. The program shall provide~~
836 ~~loan reimbursement assistance to eligible employees in child~~
837 ~~welfare positions that are critical to the department's mission,~~
838 ~~as determined by the department, and that are within the~~
839 ~~department, sheriff's offices, or contracted community-based care~~
840 ~~agencies students for upper-division undergraduate and graduate~~
841 ~~study. The primary purpose of the program is to attract capable~~
842 ~~and promising students to the child welfare profession, increase~~
843 ~~employment and retention of individuals who are working towards~~
844 ~~or who have received either a bachelor's degree or a master's~~
845 ~~degree in social work, or any human services subject area that~~
846 ~~qualifies the individual for employment as a family services~~
847 ~~worker, and provide opportunities for persons making midcareer~~
848 ~~decisions to enter the child welfare profession. The State Board~~
849 ~~of Education shall adopt rules necessary to administer the~~
850 ~~program.~~

851 ~~(2)(a) To be eligible for a program loan, the employee's~~
852 ~~outstanding student loans may not be in a default status. a~~
853 ~~candidate shall:~~

854 ~~1. Be a full-time student at the upper-division~~
855 ~~undergraduate or graduate level in a social work program approved~~
856 ~~by the Council on Social Work Education leading to either a~~
857 ~~bachelor's degree or a master's degree in social work or an~~
858 ~~accredited human services degree program.~~



509848

586-03990A-08

859 ~~2. Have declared an intent to work in child welfare for at~~
860 ~~least the number of years for which a forgivable loan is received~~
861 ~~at the Department of Children and Family Services or its~~
862 ~~successor, or with an eligible lead community-based provider as~~
863 ~~defined in s. 409.1671.~~

864 ~~3. If applying for an undergraduate forgivable loan, have~~
865 ~~maintained a minimum cumulative grade point average of at least a~~
866 ~~2.5 on a 4.0 scale for all undergraduate work. Renewal applicants~~
867 ~~for undergraduate loans shall have maintained a minimum~~
868 ~~cumulative grade point average of at least a 2.5 on a 4.0 scale~~
869 ~~for all undergraduate work and have earned at least 12 semester~~
870 ~~credits per term, or the equivalent.~~

871 ~~4. If applying for a graduate forgivable loan, have~~
872 ~~maintained an undergraduate cumulative grade point average of at~~
873 ~~least a 3.0 on a 4.0 scale or have attained a Graduate Record~~
874 ~~Examination score of at least 1,000. Renewal applicants for~~
875 ~~graduate loans shall have maintained a minimum cumulative grade~~
876 ~~point average of at least a 3.0 on a 4.0 scale for all graduate~~
877 ~~work and have earned at least 9 semester credits per term, or the~~
878 ~~equivalent.~~

879 ~~(b) An undergraduate forgivable loan may be awarded for 2~~
880 ~~undergraduate years, not to exceed \$4,000 per year.~~

881 ~~(c) A graduate forgivable loan may be awarded for 2~~
882 ~~graduate years, not to exceed \$8,000 per year. In addition to~~
883 ~~meeting criteria specified in paragraph (a), a loan recipient at~~
884 ~~the graduate level shall:~~

885 ~~1. Hold a bachelor's degree from a school or department of~~
886 ~~social work at any college or university accredited by the~~
887 ~~Council on Social Work Education, or hold a degree in a human~~
888 ~~services field from an accredited college or university.~~



509848

586-03990A-08

889 ~~2. Not have received an undergraduate forgivable loan as~~
890 ~~provided for in paragraph (b).~~

891 ~~(d) The State Board of Education shall adopt by rule~~
892 ~~repayment schedules and applicable interest rates under ss.~~
893 ~~1009.82 and 1009.95. A forgivable loan must be repaid within 10~~
894 ~~years after completion of a program of studies.~~

895 ~~1. Credit for repayment of an undergraduate or graduate~~
896 ~~forgivable loan shall be in an amount not to exceed \$4,000 in~~
897 ~~loan principal plus applicable accrued interest for each full~~
898 ~~year of eligible service in the child welfare profession.~~

899 ~~2. Any forgivable loan recipient who fails to work at the~~
900 ~~Department of Children and Family Services or its successor, or~~
901 ~~with an eligible lead community-based provider as defined in s.~~
902 ~~409.1671, is responsible for repaying the loan plus accrued~~
903 ~~interest at 8 percent annually.~~

904 ~~3. Forgivable loan recipients may receive loan repayment~~
905 ~~credit for child welfare service rendered at any time during the~~
906 ~~scheduled repayment period. However, such repayment credit shall~~
907 ~~be applicable only to the current principal and accrued interest~~
908 ~~balance that remains at the time the repayment credit is earned.~~
909 ~~No loan recipient shall be reimbursed for previous cash payments~~
910 ~~of principal and interest.~~

911 ~~(3) This section shall be implemented only as specifically~~
912 ~~funded.~~

913 Section 19. Paragraph (a) of subsection (4) of section
914 409.175, Florida Statutes, is amended to read:

915 409.175 Licensure of family foster homes, residential
916 child-caring agencies, and child-placing agencies; public records
917 exemption.--



509848

586-03990A-08

918 (4) (a) A person, family foster home, or residential child-
919 caring agency may ~~shall~~ not provide ~~receive a child for~~
920 continuing full-time child care or custody unless such person,
921 home, or agency has first procured a license from the department
922 to provide such care. This requirement does not apply to a person
923 who is a relative of the child by blood, marriage, or adoption,
924 ~~or to a permanent legal guardian established under s. 39.6221, a~~
925 ~~person who has received the child from the department,~~ a licensed
926 child-placing agency, or an intermediary for the purposes of
927 adoption pursuant to chapter 63.

928 Section 20. Section 409.401, Florida Statutes, is amended
929 to read:

930 (Substantial rewording of section. See s. 409.401,
931 F.S., for present text.)

932 409.401 Interstate Compact on the Placement of
933 Children.--The Interstate Compact on the Placement of Children is
934 enacted into law and entered into with all other jurisdictions
935 substantially as follows:

936 (1) ARTICLE I; PURPOSE.--The purpose of the compact is to:

937 (a) Provide a process through which children subject to
938 this compact are placed in safe and suitable homes in a timely
939 manner.

940 (b) Facilitate ongoing supervision of a placement, the
941 delivery of services, and communication between the states.

942 (c) Provide operating procedures that ensure that children
943 are placed in safe and suitable homes in a timely manner.

944 (d) Provide for the adoption and enforcement of rules to
945 administer the provisions of this compact and regulating the
946 covered activities of the member states.



509848

586-03990A-08

947 (e) Provide for uniform data collection and information
948 sharing between member states.

949 (f) Promote coordination between this compact, the
950 Interstate Compact for Juveniles, the Interstate Compact on
951 Adoption and Medical Assistance and other compacts affecting the
952 placement of and which provide services to children otherwise
953 subject to this compact.

954 (g) Provide for a state's continuing legal jurisdiction and
955 responsibility for placement and care of a child that it would
956 have had if the placement were intrastate.

957 (h) Provide for the adoption of guidelines, in
958 collaboration with Indian tribes, for interstate cases involving
959 Indian children as allowed by federal law.

960 (2) ARTICLE II; DEFINITIONS.--As used in this compact, the
961 term:

962 (a) "Approved placement" means the public child-placing
963 agency in the receiving state has determined that the placement
964 is both safe and suitable for the child.

965 (b) "Assessment" means an evaluation of a prospective
966 placement by a public child-placing agency to determine whether
967 the placement meets the individualized needs of the child,
968 including the child's safety and stability, health and well-
969 being, and mental, emotional, and physical development. An
970 assessment is only applicable to a placement by a public child-
971 placing agency.

972 (c) "Child" means an individual who is younger than 18.

973 (d) "Certification" means to attest, declare, or sworn to
974 before a judge or notary public.



509848

586-03990A-08

975 (e) "Default" means the failure of a member state to
976 perform the obligations or responsibilities imposed upon it by
977 this compact, the bylaws, or rules of the Interstate Commission.

978 (f) "Home study" means an evaluation of a home environment
979 conducted in accordance with the applicable requirements of the
980 state in which the home is located, and documents the preparation
981 and the suitability of the placement resource for placement of a
982 child in accordance with the laws and requirements of the state
983 in which the home is located.

984 (g) "Indian tribe" means any Indian tribe, band, nation, or
985 other organized group or community of Indians recognized as
986 eligible for services provided to Indians by the Secretary of the
987 Interior because of their status as Indians, including any
988 Alaskan native village as defined in the Alaska Native Claims
989 settlement Act at 43 U.S.C. s. 1602(c).

990 (h) "Interstate Commission" means the "Interstate
991 Commission for the Placement of Children" created under Article
992 VIII of this compact.

993 (i) "Jurisdiction" means the power and authority of a court
994 to hear and decide matters.

995 (j) "Legal risk placement" or "legal risk adoption" means a
996 placement made before an adoption where the prospective adoptive
997 parents acknowledge in writing that a child can be ordered
998 returned to the sending state or the birth mother's state of
999 residence, if different from the sending state, and a final
1000 decree of adoption may not be entered in any jurisdiction until
1001 all required consents are obtained or are dispensed with in
1002 accordance with applicable law.

1003 (k) "Member state" means a state that has enacted this
1004 compact.



509848

586-03990A-08

1005 (l) "Noncustodial parent" means a person who, at the time
1006 of the commencement of court proceedings in the sending state,
1007 does not have sole legal custody of the child or has joint legal
1008 custody of a child, and who is not the subject of allegations or
1009 findings of child abuse or neglect.

1010 (m) "Nonmember state" means a state that has not enacted
1011 this compact.

1012 (n) "Notice of residential placement" means information
1013 regarding a placement into a residential facility provided to the
1014 receiving state including, but not limited to the name, date and
1015 place of birth of the child, the identity and address of the
1016 parent or legal guardian, evidence of authority to make the
1017 placement, and the name and address of the facility in which the
1018 child is to be placed. Notice of residential placement also
1019 includes information regarding a discharge and any unauthorized
1020 absence from the facility.

1021 (o) "Placement" means the act by a public or private child-
1022 placing agency for the purpose of arranging for the care or
1023 custody of a child in another state.

1024 (p) "Private child-placing agency" means any private
1025 corporation, agency, foundation, institution, or charitable
1026 organization, or any private person or attorney that facilitates,
1027 causes, or is involved in the placement of a child from one state
1028 to another and that is not an instrumentality of the state or
1029 acting under color of state law.

1030 (q) "Provisional placement" means a determination made by
1031 the public child-placing agency in the receiving state that the
1032 proposed placement is safe and suitable, and, to the extent
1033 allowable, the receiving state has temporarily waived its
1034 standards or requirements otherwise applicable to prospective



509848

586-03990A-08

1035 foster or adoptive parents so as to not delay the placement.
1036 Completion of the receiving state requirements regarding training
1037 for prospective foster or adoptive parents may not delay an
1038 otherwise safe and suitable placement.

1039 (r) "Public child-placing agency" means any government
1040 child welfare agency or child protection agency or a private
1041 entity under contract with such an agency, regardless of whether
1042 they act on behalf of a state, county, municipality or other
1043 governmental unit and which facilitates, causes, or is involved
1044 in the placement of a child from one state to another.

1045 (s) "Receiving state" means the state to which a child is
1046 sent or brought.

1047 (t) "Relative" means someone who is related to the child as
1048 a parent, step-parent, sibling by half or whole blood or by
1049 adoption, grandparent, aunt, uncle, or first cousin or a
1050 nonrelative who has such significant ties to the child that they
1051 may be regarded as relatives as determined by the court in the
1052 sending state.

1053 (u) "Residential Facility" means a facility providing a
1054 level of care that is sufficient to substitute for parental
1055 responsibility or foster care, and is beyond what is needed for
1056 assessment or treatment of an acute condition. For purposes of
1057 the compact, residential facilities do not include institutions
1058 primarily educational in character, hospitals, or other medical
1059 facilities.

1060 (v) "Rule" means a written directive, mandate, standard or
1061 principle issued by the Interstate Commission, adopted pursuant
1062 to Article XI of this compact, that is of general applicability
1063 and that implements, interprets or prescribes a policy or
1064 provision of the compact. "Rule" has the force and effect of an



509848

586-03990A-08

1065 administrative rule in a member state, and includes the
1066 amendment, repeal, or suspension of an existing rule.

1067 (w) "Sending state" means the state from which the
1068 placement of a child is initiated.

1069 (x) "Service member's permanent duty station" means the
1070 military installation where an active duty Armed Services member
1071 is currently assigned and is physically located under orders that
1072 do not specify the duty as temporary.

1073 (y) "Service member's state of legal residence" means the
1074 state in which the active duty Armed Services member is
1075 considered a resident for tax and voting purposes.

1076 (z) "State" means a state of the United States, the
1077 District of Columbia, the Commonwealth of Puerto Rico, the United
1078 States Virgin Islands, Guam, American Samoa, the Northern
1079 Marianas Island, and any other territory of the United States.

1080 (aa) "State court" means a judicial body of a state that is
1081 vested by law with responsibility for adjudicating cases
1082 involving abuse, neglect, deprivation, delinquency, or status
1083 offenses of individuals who have not attained the age of 18.

1084 (bb) "Supervision" means monitoring provided by the
1085 receiving state once a child has been placed in a that state
1086 pursuant to this compact.

1087 (3) ARTICLE III; APPLICABILITY.--

1088 (a) Except as otherwise provided in this Article,
1089 subsection (b), this compact shall apply to:

1090 1. The interstate placement of a child subject to ongoing
1091 court jurisdiction in the sending state due to allegations or
1092 findings that the child has been abused, neglected, or deprived
1093 as defined by the laws of the sending state, if the placement of



509848

586-03990A-08

1094 the child into a residential facility only requires notice of
1095 residential placement to the receiving state prior to placement.

1096 2. The interstate placement of a child adjudicated
1097 delinquent or unmanageable based on the laws of the sending state
1098 and subject to ongoing court jurisdiction of the sending state
1099 if:

1100 a. The child is being placed in a residential facility in
1101 another member state and is not covered under another compact; or

1102 b. The child is being placed in another member state and
1103 the determination of safety and suitability of the placement and
1104 services required is not provided through another compact.

1105 3. The interstate placement of a child by a public child-
1106 placing agency or private child-placing agency as a preliminary
1107 step to a possible adoption.

1108 (b) This compact does not apply to:

1109 1. The interstate placement of a child with a nonrelative
1110 in a receiving state by a parent having the legal authority to
1111 make such a placement if the placement is not intended to
1112 effectuate an adoption.

1113 2. The interstate placement of a child by one relative
1114 having the lawful authority to make such a placement directly
1115 with a relative in a receiving state.

1116 3. The placement of a child, not subject to paragraph (a),
1117 into a residential facility by his parent.

1118 4. The placement of a child with a noncustodial parent if:

1119 a. The noncustodial parent proves to the satisfaction of a
1120 court in the sending state a substantial relationship with the
1121 child;



509848

586-03990A-08

1122 b. The court in the sending state makes a written finding
1123 that placement with the noncustodial parent is in the best
1124 interests of the child; and

1125 c. The court in the sending state dismisses its
1126 jurisdiction over the child's case.

1127 5. A child entering the United States from a foreign
1128 country for the purpose of adoption or leaving the United States
1129 to go to a foreign country for the purpose of adoption in that
1130 country.

1131 6. Cases in which a United States citizen child living
1132 overseas with his or her parents, at least one of whom is in the
1133 Armed Services, and who is stationed overseas, is removed and
1134 placed in a state.

1135 7. The sending of a child by a public child-placing agency
1136 or a private child-placing agency for a visit as defined by the
1137 rules of the Interstate Commission.

1138 (c) For purposes of determining the applicability of this
1139 compact to the placement of a child with a family in the Armed
1140 Services, the public child-placing agency or private child-
1141 placing agency may choose the state of the service member's
1142 permanent duty station or the service member's declared legal
1143 residence.

1144 (d) The provisions of this compact may be applied
1145 concurrently with other applicable interstate compacts including
1146 the Interstate Compact for Juveniles and the Interstate Compact
1147 on Adoption and Medical Assistance. The Interstate Commission
1148 may, in cooperation with other interstate compact commissions
1149 having responsibility for the interstate movement, placement or
1150 transfer of children, adopt like rules to ensure the coordination
1151 of services, timely placement of children, and the reduction of



509848

586-03990A-08

1152 unnecessary or duplicative administrative or procedural
1153 requirements.

1154 (4) ARTICLE IV; JURISDICTION.--

1155 (a) Except as provided in subsection (g) concerning private
1156 and independent adoptions, the sending state shall retain
1157 jurisdiction over a child with respect to all matters of custody
1158 and disposition of the child which it would have had if the child
1159 had remained in the sending state. Such jurisdiction shall also
1160 include the power to order the return of the child to the sending
1161 state.

1162 (b) If an issue of child protection or custody is brought
1163 before a court in the receiving state, such court shall confer
1164 with the court of the sending state to determine the most
1165 appropriate forum for adjudication.

1166 (c) In accordance with its own laws, the court in the
1167 sending state may terminate its jurisdiction if:

1168 1. The child is reunified with the parent in the receiving
1169 state who is the subject of allegations or findings of abuse or
1170 neglect, only with the concurrence of the public child-placing
1171 agency in the receiving state;

1172 2. The child is adopted;

1173 3. The child reaches the age of majority under the laws of
1174 the sending state;

1175 4. The child achieves legal independence pursuant to the
1176 laws of the sending state;

1177 5. A guardianship is created by a court in the receiving
1178 state with the concurrence of the court in the sending state;

1179 6. An Indian tribe has petitioned for and received
1180 jurisdiction from the court in the sending state; or



509848

586-03990A-08

1181 7. The public child-placing agency of the sending state
1182 requests termination and has obtained the concurrence of the
1183 public child-placing agency in the receiving the state.

1184 (d) If a sending state court terminates its jurisdiction,
1185 the receiving state child-placing agency must be notified.

1186 (e) The provisions of this article may not defeat a claim
1187 of jurisdiction by a receiving state court necessary for dealing
1188 with an act of truancy, delinquency, crime, or behavior involving
1189 a child as defined by the laws of the receiving state committed
1190 by the child in the receiving state which is a violation of its
1191 laws.

1192 (f) The provisions of this article may not limit the
1193 receiving state's ability to take emergency jurisdiction for the
1194 protection of the child.

1195 (g) The substantive laws of the state in which an adoption
1196 is finalized shall govern all issues relating to the adoption of
1197 the child and the court in which the adoption proceeding is filed
1198 shall have subject matter jurisdiction regarding all substantive
1199 issues relating to the adoption, except:

1200 1. If the child is a ward of another court that established
1201 jurisdiction over the child prior to the placement;

1202 2. If the child is in the legal custody of a public agency
1203 in the sending state; or

1204 3. If a court in the sending state has otherwise
1205 appropriately assumed jurisdiction over the child, prior to the
1206 submission of the request for approval of placement.

1207 (h) A final decree of adoption may not be entered in any
1208 jurisdiction until the placement is authorized as an "approved
1209 placement" by the public child-placing agency in the receiving
1210 state.



509848

586-03990A-08

1211 (5) ARTICLE V; PLACEMENT EVALUATION.--

1212 (a) Before sending, bringing, or causing a child to be sent
1213 or brought into a receiving state, the public child-placing
1214 agency must provide a written request for assessment to the
1215 receiving state.

1216 (b) For placements by a private child-placing agency, a
1217 child may be sent or brought into a receiving state upon receipt
1218 and review of a request for approval of a placement in both the
1219 sending and receiving state public child-placing agency. The
1220 required content for a request for provisional approval must
1221 include all of following:

1222 1. A request for approval identifying the child, birth
1223 parent, the prospective adoptive parent, and the supervising
1224 agency, signed by the person requesting approval;

1225 2. Certification by a licensed attorney or other authorized
1226 agent that the consent or relinquishment is in compliance with
1227 the applicable laws of the sending state, or if allowed, the laws
1228 of the state where finalization of the adoption occurs;

1229 3. A home study; and

1230 4. An acknowledgment of legal risk signed by the
1231 prospective adoptive parents.

1232 (c) The sending state and the receiving state may request
1233 additional information or documents before finalizing an approved
1234 placement, but may not delay travel by the prospective adoptive
1235 parents with the child if the required content for approval has
1236 been submitted, received and reviewed by the public child-placing
1237 agency in both the sending state and the receiving state.

1238 (d) Approval from the public child-placing agency in the
1239 receiving state for a provisional or approved placement is



509848

586-03990A-08

1240 required as provided for in the rules of the Interstate
1241 Commission.

1242 (e) The procedures for making and the request for an
1243 assessment must contain all information and be in a form as
1244 provided for in the rules of the Interstate Commission.

1245 (f) Upon receipt of a request from the public child-placing
1246 agency of the sending state, the receiving state shall initiate
1247 an assessment of the proposed placement to determine its safety
1248 and suitability. If the proposed placement is with a relative,
1249 the public child-placing agency of the sending state may request
1250 a determination for a provisional placement.

1251 (g) The public child-placing agency in the receiving state
1252 may request from the public child-placing agency or the private
1253 child-placing agency in the sending state, and is entitled to
1254 receive, supporting or additional information necessary to
1255 complete the assessment or approve the placement.

1256 (h) The public child-placing agency in the receiving state
1257 shall approve a provisional placement and complete or arrange for
1258 the completion of the assessment within the timeframes
1259 established by the rules of the Interstate Commission.

1260 (i) For a placement by a private child-placing agency, the
1261 sending state may not impose any additional requirements for
1262 completing the home study that are not required by the receiving
1263 state, unless the adoption is finalized in the sending state.

1264 (j) The Interstate Commission may develop uniform standards
1265 for the assessment of the safety and suitability of interstate
1266 placements.

1267 (6) ARTICLE VI; PLACEMENT AUTHORITY.--



509848

586-03990A-08

1268 (a) Except as otherwise provided in this compact, a child
1269 subject to this compact may not be placed into a receiving state
1270 until approval for such placement is obtained.

1271 (b) If the public child-placing agency in the receiving
1272 state does not approve the proposed placement then the child may
1273 not be placed. The receiving state shall provide written
1274 documentation of any such determination in accordance with the
1275 rules adopted by the Interstate Commission. Such determination is
1276 not subject to judicial review in the sending state.

1277 (c) If the proposed placement is not approved, any
1278 interested party has standing to seek an administrative review of
1279 the receiving state's determination.

1280 1. The administrative review and any further judicial
1281 review associated with the determination shall be conducted in
1282 the receiving state pursuant to its applicable administrative
1283 procedures.

1284 2. If a determination not to approve the placement of the
1285 child in the receiving state is overturned upon review, the
1286 placement shall be deemed approved if all administrative or
1287 judicial remedies have been exhausted or the time for such
1288 remedies has passed.

1289 (7) ARTICLE VII; PLACING AGENCY RESPONSIBILITY.--

1290 (a) For the interstate placement of a child made by a
1291 public child-placing agency or state court:

1292 1. The public child-placing agency in the sending state
1293 shall have financial responsibility for:

1294 a. The ongoing support and maintenance of the child during
1295 the period of the placement, unless otherwise provided for in the
1296 receiving state; and



509848

586-03990A-08

1297 b. As determined by the public child-placing agency in the
1298 sending state, services for the child beyond the public services
1299 for which the child is eligible in the receiving state.

1300 2. The receiving state shall have financial responsibility
1301 only for:

1302 a. Any assessment conducted by the receiving state;

1303 b. Supervision conducted by the receiving state at the
1304 level necessary to support the placement as agreed upon by the
1305 public child-placing agencies of the receiving and sending
1306 states.

1307 c. Public child-placing agencies in the sending state may
1308 enter into agreements with licensed agencies or persons in the
1309 receiving state to conduct assessments and provide supervision.

1310 (b) For the placement of a child by a private child-placing
1311 agency preliminary to a possible adoption, the private child-
1312 placing agency is:

1313 1. Legally responsible for the child during the period of
1314 placement as provided in the law of the sending state until the
1315 finalization of the adoption.

1316 2. Financially responsible for the child absent a
1317 contractual agreement to the contrary.

1318 (c) The public child-placing agency in the receiving state
1319 shall provide timely assessments, as provided for in the rules of
1320 the Interstate Commission.

1321 (d) The public child-placing agency in the receiving state
1322 shall provide, or arrange for the provision of, supervision and
1323 services for the child, including timely reports, during the
1324 period of the placement.

1325 (e) The public child-placing agency in the receiving state
1326 may contract with a licensed agency or person in the receiving



509848

586-03990A-08

1327 state for an assessment or the provision of supervision or
1328 services for the child and may authorize the provision of
1329 supervision or services by a licensed agency during the period of
1330 placement.

1331 (f) Each member state shall provide for coordination among
1332 its branches of government concerning the state's participation
1333 in, and compliance with, the compact and Interstate Commission
1334 activities, through the creation of an advisory council or use of
1335 an existing body or board.

1336 (g) Each member state shall establish a central state
1337 compact office that is responsible for state compliance with the
1338 compact and the rules of the Interstate Commission.

1339 (h) The public child-placing agency in the sending state
1340 shall oversee compliance with the provisions of the Indian Child
1341 Welfare Act, 25 U.S.C. 1901 et seq., for placements subject to
1342 the provisions of this compact, prior to placement.

1343 (i) With the consent of the Interstate Commission, states
1344 may enter into limited agreements that facilitate the timely
1345 assessment and provision of services and supervision of
1346 placements under this compact.

1347 (8) ARTICLE VIII; INTERSTATE COMMISSION FOR THE PLACEMENT
1348 OF CHILDREN.--The member states hereby establish, by way of this
1349 compact, a commission known as the "Interstate Commission for the
1350 Placement of Children." The activities of the Interstate
1351 Commission are the formation of public policy and are a
1352 discretionary state function. The Interstate Commission shall:

1353 (a) Be a joint commission of the member states and shall
1354 have the responsibilities, powers, and duties set forth herein,
1355 and such additional powers as may be conferred upon it by



509848

586-03990A-08

1356 subsequent concurrent action of the respective legislatures of
1357 the member states.

1358 (b) Consist of one commissioner from each member state who
1359 is appointed by the head of the state human services agency
1360 having ultimate responsibility for the child welfare program. The
1361 appointed commissioner shall have the legal authority to vote on
1362 policy-related matters governed by this compact binding the
1363 state.

1364 1. Each member state represented at a meeting of the
1365 Interstate Commission is entitled to one vote.

1366 2. A majority of the member states shall constitute a
1367 quorum for the transaction of business, unless a larger quorum is
1368 required by the bylaws of the Interstate Commission.

1369 3. A representative may not delegate a vote to another
1370 member state.

1371 4. A representative may delegate voting authority to
1372 another person from their state for a specified meeting.

1373 (c) In addition to the commissioners of each member state,
1374 the Interstate Commission shall include persons who are members
1375 of interested organizations as defined in the bylaws or rules of
1376 the Interstate Commission. Such members are ex officio and are
1377 not entitled to vote on any matter before the Interstate
1378 Commission.

1379 (d) Establish an executive committee that has is authorized
1380 to administer the day-to-day operations and administration of the
1381 Interstate Commission. It may not engage in rulemaking.

1382 (9) ARTICLE IX; POWERS AND DUTIES OF THE INTERSTATE
1383 COMMISSION.--The Interstate Commission shall have the following
1384 powers:



509848

586-03990A-08

1385 (a) To adopt rules and take all necessary actions to effect
1386 the goals, purposes, and obligations as enumerated in this
1387 compact.

1388 (b) To provide for dispute resolution among member states.

1389 (c) To issue, upon request of a member state, advisory
1390 opinions concerning the meaning or interpretation of the
1391 interstate compact, its bylaws, rules, or actions.

1392 (d) To enforce compliance with this compact or the bylaws
1393 or rules of the Interstate Commission pursuant to Article XII.

1394 (e) Collect standardized data concerning the interstate
1395 placement of children subject to this compact as directed through
1396 its rules, which shall specify the data to be collected, the
1397 means of collection, and data exchange and reporting
1398 requirements.

1399 (f) To establish and maintain offices as may be necessary
1400 for the transacting of its business.

1401 (g) To purchase and maintain insurance and bonds.

1402 (h) To hire or contract for services of personnel or
1403 consultants as necessary to carry out its functions under the
1404 compact and establish personnel qualification policies, and rates
1405 of compensation.

1406 (i) To establish and appoint committees and officers,
1407 including an executive committee as required by Article X.

1408 (j) To accept any and all donations and grants of money,
1409 equipment, supplies, materials, and services, and to receive,
1410 use, and dispose thereof.

1411 (k) To lease, purchase, accept contributions or donations
1412 of, or otherwise to own, hold, improve, or use any property,
1413 real, personal, or mixed.



509848

586-03990A-08

1414 (l) To sell, convey, mortgage, pledge, lease, exchange,
1415 abandon, or otherwise dispose of any property, real, personal, or
1416 mixed.

1417 (m) To establish a budget and make expenditures.

1418 (n) To adopt a seal and bylaws governing the management and
1419 operation of the Interstate Commission.

1420 (o) To report annually to the legislatures, governors, the
1421 judiciary, and state advisory councils of the member states
1422 concerning the activities of the Interstate Commission during the
1423 preceding year. Such reports shall also include any
1424 recommendations that may have been adopted by the Interstate
1425 Commission.

1426 (p) To coordinate and provide education, training, and
1427 public awareness regarding the interstate movement of children
1428 for officials involved in such activity.

1429 (q) To maintain books and records in accordance with the
1430 bylaws of the Interstate Commission.

1431 (r) To perform such functions as may be necessary or
1432 appropriate to achieve the purposes of this compact.

1433 (10) ARTICLE X; ORGANIZATION AND OPERATION OF THE
1434 INTERSTATE COMMISSION.--

1435 (a) Bylaws.--

1436 1. Within 12 months after the first Interstate Commission
1437 meeting, the Interstate Commission shall adopt bylaws to govern
1438 its conduct as may be necessary or appropriate to carry out the
1439 purposes of the compact.

1440 2. The Interstate Commission's bylaws and rules shall
1441 establish conditions and procedures under which the Interstate
1442 Commission shall make its information and official records
1443 available to the public for inspection or copying. The Interstate



509848

586-03990A-08

1444 Commission may exempt from disclosure information or official
1445 records to the extent they would adversely affect personal
1446 privacy rights or proprietary interests.

1447 (b) Meetings.--

1448 1. The Interstate Commission shall meet at least once each
1449 calendar year. The chairperson may call additional meetings and,
1450 upon the request of a simple majority of the member states shall
1451 call additional meetings.

1452 2. Public notice shall be given by the Interstate
1453 Commission of all meetings and all meetings shall be open to the
1454 public, except as set forth in the rules or as otherwise provided
1455 in the compact. The Interstate Commission and its committees may
1456 close a meeting, or portion thereof, where it determines by two-
1457 thirds vote that an open meeting would be likely to:

1458 a. Relate solely to the Interstate Commission's internal
1459 personnel practices and procedures;

1460 b. Disclose matters specifically exempted from disclosure
1461 by federal law;

1462 c. Disclose financial or commercial information that is
1463 privileged, proprietary or confidential in nature;

1464 d. Involve accusing a person of a crime, or formally
1465 censuring a person;

1466 e. Disclose information of a personal nature where
1467 disclosure would constitute a clearly unwarranted invasion of
1468 personal privacy or physically endanger one or more persons;

1469 f. Disclose investigative records compiled for law
1470 enforcement purposes; or

1471 g. Specifically relate to the Interstate Commission's
1472 participation in a civil action or other legal proceeding.



509848

586-03990A-08

1473 3. For a meeting, or portion of a meeting, closed pursuant
1474 to this paragraph, the Interstate Commission's legal counsel or
1475 designee shall certify that the meeting may be closed and shall
1476 reference each relevant exemption provision. The Interstate
1477 Commission shall keep minutes that fully and clearly describe all
1478 matters discussed in a meeting and shall provide a full and
1479 accurate summary of actions taken, and the reasons therefore,
1480 including a description of the views expressed and the record of
1481 a roll call vote. All documents considered in connection with an
1482 action shall be identified in the minutes. All minutes and
1483 documents of a closed meeting shall remain under seal, subject to
1484 release by a majority vote of the Interstate Commission or by
1485 court order.

1486 4. The bylaws may provide for meetings of the Interstate
1487 Commission conducted by telecommunication or other electronic
1488 communication.

1489 (c) Officers and staff.--

1490 1. The Interstate Commission may, through its executive
1491 committee, appoint or retain a staff director for such period,
1492 upon such terms and conditions and for such compensation as the
1493 Interstate Commission deems appropriate. The staff director shall
1494 serve as secretary to the Interstate Commission, but does not
1495 have a vote. The staff director may hire and supervise such other
1496 staff as may be authorized by the Interstate Commission.

1497 2. The Interstate Commission shall elect, from among its
1498 members, a chairperson and a vice chairperson of the executive
1499 committee and other necessary officers, each of whom shall have
1500 such authority and duties as may be specified in the bylaws.

1501 (d) Qualified immunity, defense, and indemnification.--



509848

586-03990A-08

1502 1. The Interstate Commission's staff director and its
1503 employees are immune from suit and liability, personally or in
1504 their official capacity, for a claim for damage to or loss of
1505 property, or personal injury or other civil liability caused,
1506 arising out of, or relating to an actual or alleged act, error,
1507 or omission that occurred, or that such person had a reasonable
1508 basis for believing occurred, within the scope of Commission
1509 employment, duties, or responsibilities; however, such person is
1510 not protected from suit or liability for damage, loss, injury, or
1511 liability caused by a criminal act or the intentional, willful,
1512 and wanton misconduct of such person.

1513 a. The liability of the Interstate Commission's staff
1514 director and employees or Interstate Commission representatives,
1515 acting within the scope of such person's employment or duties for
1516 acts, errors, or omissions occurring within such person's state
1517 may not exceed the limits of liability set forth under the
1518 constitution and laws of that state for state officials,
1519 employees, and agents. The Interstate Commission is considered to
1520 be an instrumentality of the states for the purposes of any such
1521 action. Such person is not protected from suit or liability for
1522 damage, loss, injury, or liability caused by a criminal act or
1523 the intentional, willful, and wanton misconduct of such person.

1524 b. The Interstate Commission shall defend the staff
1525 director and its employees and, subject to the approval of the
1526 Attorney General or other appropriate legal counsel of the member
1527 state, shall defend the commissioner of a member state in a civil
1528 action seeking to impose liability arising out of an actual or
1529 alleged act, error, or omission that occurred within the scope of
1530 Interstate Commission employment, duties, or responsibilities, or
1531 that the defendant had a reasonable basis for believing occurred



509848

586-03990A-08

1532 within the scope of Interstate Commission employment, duties, or
1533 responsibilities, if the actual or alleged act, error, or
1534 omission did not result from intentional, willful, and wanton
1535 misconduct on the part of such person.

1536 c. To the extent not covered by the state involved, member
1537 state, or the Interstate Commission, the representatives or
1538 employees of the Interstate Commission shall be held harmless in
1539 the amount of a settlement or judgment, including attorney's fees
1540 and costs, obtained against such persons arising out of an actual
1541 or alleged act, error, or omission that occurred within the scope
1542 of Interstate Commission employment, duties, or responsibilities,
1543 or that such persons had a reasonable basis for believing
1544 occurred within the scope of Interstate Commission employment,
1545 duties, or responsibilities, if the actual or alleged act, error,
1546 or omission did not result from intentional, willful, and wanton
1547 misconduct on the part of such persons.

1548 (11) ARTICLE XI; RULEMAKING FUNCTIONS OF THE INTERSTATE
1549 COMMISSION.--

1550 (a) The Interstate Commission shall adopt and publish rules
1551 in order to effectively and efficiently achieve the purposes of
1552 the compact.

1553 (b) Rulemaking shall occur pursuant to the criteria set
1554 forth in this article and the bylaws and rules adopted pursuant
1555 thereto. Such rulemaking shall substantially conform to the
1556 principles of the "Model State Administrative Procedures Act,"
1557 1981 Act, Uniform Laws Annotated, Vol. 15, p.1., 2000, or such
1558 other administrative procedure acts as the Interstate Commission
1559 deems appropriate consistent with due process requirements under
1560 the United States Constitution as now or hereafter interpreted by
1561 the United States Supreme Court. All rules and amendments are



509848

586-03990A-08

1562 binding as of the date specified, as published with the final
1563 version of the rule as approved by the Interstate Commission.

1564 (c) When adopting a rule, the Interstate Commission shall,
1565 at a minimum:

1566 1. Publish the proposed rule's entire text stating the
1567 reasons for that proposed rule;

1568 2. Allow and invite any and all persons to submit written
1569 data, facts, opinions and arguments, which shall be added to the
1570 record, and be made publicly available; and

1571 3. Adopt a final rule and its effective date, if
1572 appropriate, based on input from state or local officials, or
1573 interested parties.

1574 (d) Rules adopted by the Interstate Commission shall have
1575 the force and effect of administrative rules and are binding in
1576 the compacting states to the extent and in the manner provided
1577 for in this compact.

1578 (e) Within 60 days after a rule is adopted, an interested
1579 person may file a petition in the United States District Court
1580 for the District of Columbia or in the federal district court
1581 where the Interstate Commission's principal office is located for
1582 judicial review of such rule. If the court finds that the
1583 Interstate Commission's action is not supported by substantial
1584 evidence in the rulemaking record, the court shall hold the rule
1585 unlawful and set it aside.

1586 (f) If a majority of the legislatures of the member states
1587 rejects a rule, those states may by enactment of a statute or
1588 resolution in the same manner used to adopt the compact cause
1589 that rule to have no further force and effect in any member
1590 state.



509848

586-03990A-08

1591 (g) The existing rules governing the operation of the
1592 Interstate Compact on the Placement of Children superseded by
1593 this act are null and void after 12 months, but no more than 24
1594 months, after the first meeting of the Interstate Commission, as
1595 determined by the members during the first meeting.

1596 (h) Within the first 12 months of operation, the Interstate
1597 Commission shall adopt rules addressing the following:

- 1598 1. Transition rules.
- 1599 2. Forms and procedures.
- 1600 3. Timelines.
- 1601 4. Data collection and reporting.
- 1602 5. Rulemaking.
- 1603 6. Visitation.
- 1604 7. Progress reports and supervision.
- 1605 8. Sharing of information and confidentiality.
- 1606 9. Financing of the Interstate Commission.
- 1607 10. Mediation, arbitration, and dispute resolution.
- 1608 11. Education, training, and technical assistance.
- 1609 12. Enforcement.
- 1610 13. Coordination with other interstate compacts.

1611 (i) Upon determination by a majority of the members of the
1612 Interstate Commission that an emergency exists:

- 1613 1. The Interstate Commission may adopt an emergency rule
1614 only if it is required to:
 - 1615 a. Protect the children covered by this compact from an
1616 imminent threat to their health, safety, and well-being;
 - 1617 b. Prevent loss of federal or state funds; or
 - 1618 c. Meet a deadline for the adoption of an administrative
1619 rule required by federal law.



509848

586-03990A-08

1620 2. An emergency rule becomes effective immediately upon
1621 adoption, if the usual rulemaking procedures are retroactively
1622 applied to said rule as soon as reasonably possible, but within
1623 90 days after the effective date of the emergency rule.

1624 3. An emergency rule shall be adopted as provided for in
1625 the rules of the Interstate Commission.

1626 (12) ARTICLE XII; OVERSIGHT, DISPUTE RESOLUTION,
1627 ENFORCEMENT.--

1628 (a) Oversight.--

1629 1. The Interstate Commission shall oversee the
1630 administration and operation of the compact.

1631 2. The executive, legislative, and judicial branches of
1632 state government in each member state shall enforce this compact
1633 and the rules of the Interstate Commission and shall take all
1634 actions necessary and appropriate to effectuate the compact's
1635 purposes and intent. The compact and its rules are binding in the
1636 member states to the extent and in the manner provided for in
1637 this compact.

1638 3. All courts shall take judicial notice of the compact and
1639 the rules in any judicial or administrative proceeding in a
1640 member state pertaining to the subject matter of this compact.

1641 4. The Interstate Commission shall receive service of
1642 process in any action in which the validity of a compact
1643 provision or rule is the issue for which a judicial determination
1644 has been sought and shall have standing to intervene in any
1645 proceedings. Failure to provide service of process to the
1646 Interstate Commission shall render any judgment, order, or other
1647 determination, however so captioned or classified, void as to the
1648 Interstate Commission, this compact, its bylaws, or rules of the
1649 Interstate Commission.



509848

586-03990A-08

1650 (b) Dispute resolution.--

1651 1. The Interstate Commission shall attempt, upon the
1652 request of a member state, to resolve disputes that are subject
1653 to the compact and that may arise among member states and between
1654 member and nonmember states.

1655 2. The Interstate Commission shall adopt a rule providing
1656 for both mediation and binding dispute resolution for disputes
1657 among compacting states. The costs of such mediation or dispute
1658 resolution is the responsibility of the parties to the dispute.

1659 (c) Enforcement.--

1660 1. If the Interstate Commission determines that a member
1661 state has defaulted in the performance of its obligations or
1662 responsibilities under this compact, its bylaws or rules, the
1663 Interstate Commission may:

1664 a. Provide remedial training and specific technical
1665 assistance;

1666 b. Provide written notice to the defaulting state and other
1667 member states, of the nature of the default and the means of
1668 curing the default. The Interstate Commission shall specify the
1669 conditions by which the defaulting state must cure its default;

1670 c. By majority vote of the members, initiate against a
1671 defaulting member state legal action in the United State District
1672 Court for the District of Columbia or, at the discretion of the
1673 Interstate Commission, in the federal district where the
1674 Interstate Commission has its principal office, to enforce
1675 compliance with the provisions of the compact, its bylaws, or
1676 rules. The relief sought may include both injunctive relief and
1677 damages. If judicial enforcement is necessary, the prevailing
1678 party shall be awarded all costs of such litigation including
1679 reasonable attorney's fees; or



509848

586-03990A-08

1680 d. Avail itself of any other remedies available under state
1681 law or the regulation of official or professional conduct.

1682 (13) ARTICLE XIII; FINANCING OF THE COMMISSION.--

1683 (a) The Interstate Commission shall pay, or provide for the
1684 payment of the reasonable expenses of its establishment,
1685 organization, and ongoing activities.

1686 (b) The Interstate Commission may levy on and collect an
1687 annual assessment from each member state to cover the cost of the
1688 operations and activities of the Interstate Commission and its
1689 staff which must be in a total amount sufficient to cover the
1690 Interstate Commission's annual budget as approved by its members
1691 each year. The aggregate annual assessment amount shall be
1692 allocated based upon a formula to be determined by the Interstate
1693 Commission, which shall adopt a rule binding upon all member
1694 states.

1695 (c) The Interstate Commission may not incur obligations of
1696 any kind prior to securing the funds adequate to meet the same,
1697 or pledge the credit of any of the member states, except by and
1698 with the authority of the member state.

1699 (d) The Interstate Commission shall keep accurate accounts
1700 of all receipts and disbursements. The receipts and disbursements
1701 are subject to the audit and accounting procedures established
1702 under its bylaws. However, all receipts and disbursements of
1703 funds handled by the Interstate Commission must be audited yearly
1704 by a certified or licensed public accountant and the audit report
1705 shall be included in and become part of the annual report of the
1706 Interstate Commission.

1707 (14) ARTICLE XIV; MEMBER STATES, EFFECTIVE DATE, AND
1708 AMENDMENT.--

1709 (a) Any state is eligible to become a member state.



509848

586-03990A-08

1710 (b) The compact is effective and binding upon the
1711 legislative enactment of the compact into law by at least 35
1712 states. The effective date shall July 1, 2007, or upon enactment
1713 of the compact into law by the 35th state, whichever is later.
1714 Thereafter it is effective and binding as to any other member
1715 state upon enactment of the compact into law by that state. The
1716 heads of the state human services agencies having ultimate
1717 responsibility for the child welfare program of nonmember states
1718 or their designees shall be invited to participate in the
1719 activities of the Interstate Commission on a nonvoting basis
1720 prior to adoption of the compact by all states.

1721 (c) The Interstate Commission may propose amendments to the
1722 compact for enactment by the member states. An amendment is not
1723 effective and binding on the member states unless and until it is
1724 enacted into law by unanimous consent of the member states.

1725 (15) ARTICLE XV; WITHDRAWAL AND DISSOLUTION.--

1726 (a) Withdrawal.--

1727 1. Once effective, the compact shall continue in force and
1728 remain binding upon each and every member state; however, a
1729 member state may withdraw from the compact specifically repealing
1730 the statute that enacted the compact into law.

1731 2. Withdrawal from this compact is effected by the
1732 enactment of a statute repealing the same. The effective date of
1733 withdrawal is the effective date of the repeal of the statute.

1734 3. The withdrawing state shall immediately notify the
1735 president of the Interstate Commission in writing upon the
1736 introduction of legislation repealing this compact in the
1737 withdrawing state. The Interstate Commission shall then notify
1738 the other member states of the withdrawing state's intent to
1739 withdraw.



509848

586-03990A-08

1740 4. The withdrawing state is responsible for all
1741 assessments, obligations, and liabilities incurred through the
1742 effective date of withdrawal.

1743 5. Reinstatement following withdrawal of a member state
1744 shall occur upon the withdrawing state reenacting the compact or
1745 upon such later date as determined by the members of the
1746 Interstate Commission.

1747 (b) Dissolution of compact.--

1748 1. This compact shall dissolve effective upon the date of
1749 the withdrawal or default of the member state which reduces the
1750 membership in the compact to one member state.

1751 2. Upon the dissolution, the compact becomes null and void
1752 and shall have no further force or effect, and the business and
1753 affairs of the Interstate Commission shall be concluded and
1754 surplus funds shall be distributed in accordance with the bylaws.

1755 (16) ARTICLE XVI; SEVERABILITY AND CONSTRUCTION.--

1756 (a) The provisions of this compact are severable, and if
1757 any phrase, clause, sentence, or provision is deemed
1758 unenforceable, the remaining provisions of the compact are
1759 enforceable.

1760 (b) The provisions of this compact shall be liberally
1761 construed to effectuate its purposes.

1762 (c) This compact does not prohibit the concurrent
1763 applicability of other interstate compacts to which the states
1764 are members.

1765 (17) ARTICLE XVII; BINDING EFFECT OF COMPACT AND OTHER
1766 LAWS.--

1767 (a) Other laws.--



509848

586-03990A-08

1768 1. This compact may not prevent the enforcement of any
1769 other law of a member state that is not inconsistent with the
1770 compact.

1771 (b) Binding effect of the compact.--

1772 1. All lawful actions of the Interstate Commission,
1773 including all rules and bylaws adopted by the Interstate
1774 Commission, are binding upon the member states.

1775 2. All agreements between the Interstate Commission and the
1776 member states are binding in accordance with their terms.

1777 3. If any provision of this compact exceeds the
1778 constitutional limits imposed on the legislature of any member
1779 state, such provision is ineffective to the extent of the
1780 conflict in that member state.

1781 (18) ARTICLE XVIII; INDIAN TRIBES.--Notwithstanding any
1782 other provision in this compact, the Interstate Commission may
1783 adopt guidelines to allow Indian tribes to use the compact to
1784 achieve any or all of the purposes of the compact as specified in
1785 Article I. The Interstate Commission shall make reasonable
1786 efforts to consult with Indian tribes in adopting guidelines to
1787 reflect the diverse circumstances of the various Indian tribes.

1788 Section 21. Sections 409.402 and 409.403, Florida Statutes,
1789 are repealed.

1790 Section 22. Section 409.404, Florida Statutes, is amended
1791 to read:

1792 409.404 Agreements between party state officers and
1793 agencies.--

1794 (1) The officers and agencies of this state and its
1795 subdivisions having authority to place children may ~~are hereby~~
1796 ~~empowered to~~ enter into agreements with appropriate officers or
1797 agencies of or in other party states pursuant to ~~paragraph (b) of~~



509848

586-03990A-08

1798 ~~Article V~~ of the Interstate Compact on the Placement of Children,
1799 ~~s. 409.401~~. Any such agreement that ~~which~~ contains a financial
1800 commitment or imposes a financial obligation on this state or
1801 subdivision or agency thereof is ~~shall~~ not ~~be~~ binding unless it
1802 has the approval in writing of the secretary of Children and
1803 Family Services in the case of the state.

1804 (2) Any requirements for visitation, inspection, or
1805 supervision of children, homes, institutions, or other agencies
1806 in another party state which may apply under the provisions of
1807 chapter 63 and this chapter are ~~shall be~~ deemed to be met if
1808 performed pursuant to an agreement entered into by appropriate
1809 agencies of this state or a subdivision thereof as contemplated
1810 by ~~paragraph (b) of Article V~~ of the Interstate Compact on the
1811 Placement of Children, ~~s. 409.401~~.

1812 Section 23. Subsection (3) of section 787.04, Florida
1813 Statutes, is amended to read:

1814 787.04 Removing minors from state or concealing minors
1815 contrary to state agency order or court order.--

1816 (3) It is unlawful for any person, ~~with criminal intent~~, to
1817 knowingly and willfully lead, take, entice, or remove a minor
1818 beyond the limits of this state, or to knowingly and willfully
1819 conceal the location of a minor, during the pendency of a
1820 dependency proceeding affecting such minor or during the pendency
1821 of any investigation, action, or proceeding concerning the
1822 alleged abuse or neglect of such minor, after having received
1823 actual or constructive notice of the pendency of such
1824 investigation, action, or proceeding and without the permission
1825 of the state agency or court in which the investigation, action,
1826 or proceeding is pending.



509848

586-03990A-08

1827 Section 24. Subsection (1) of section 937.021, Florida
1828 Statutes, is amended to read:

1829 937.021 Missing child reports.--

1830 (1) Upon the filing of a police report that a child is
1831 missing by the parent or guardian, the Department of Children and
1832 Family Services, a community-based care provider, or a sheriff's
1833 office providing investigative services for the department, the
1834 law enforcement agency receiving the report shall immediately
1835 inform all on-duty law enforcement officers of the ~~existence of~~
1836 ~~the~~ missing child report, communicate the report to every other
1837 law enforcement agency having jurisdiction in the county, and
1838 transmit the report for inclusion within the Florida Crime
1839 Information Center computer. A law enforcement agency may not
1840 require a reporter to present an order that a child be taken into
1841 custody or any other such order before accepting a report that a
1842 child is missing.

1843 Section 25. Paragraph (c) of subsection (4) of section
1844 985.04, Florida Statutes, is amended to read:

1845 985.04 Oaths; records; confidential information.--

1846 (4)

1847 (c) The department shall disclose to the school
1848 superintendent the presence of any child in the care and custody
1849 or under the jurisdiction or supervision of the department who
1850 has a known history of criminal sexual behavior with other
1851 juveniles; is an alleged juvenile sexual offender or a child who
1852 has exhibited inappropriate sexual behavior, as defined in s.
1853 39.01; or has pled guilty or nolo contendere to, or has been
1854 found to have committed, a violation of chapter 794, chapter 796,
1855 chapter 800, s. 827.071, or s. 847.0133, regardless of
1856 adjudication. An ~~Any~~ employee of a district school board who



509848

586-03990A-08

1857 knowingly and willfully discloses such information to an
1858 unauthorized person commits a misdemeanor of the second degree,
1859 punishable as provided in s. 775.082 or s. 775.083.

1860 Section 26. Effective upon this act becoming a law and
1861 operating retroactively to June 29, 2008, subsection (3) of
1862 section 1 of chapter 2007-174, Laws of Florida, is amended to
1863 read:

1864 (3) This section expires June 30, 2009 ~~2008~~.

1865 Section 27. Paragraph (b) of subsection (3) of section
1866 39.0015, Florida Statutes, is amended to read:

1867 39.0015 Child abuse prevention training in the district
1868 school system.--

1869 (3) DEFINITIONS.--As used in this section:

1870 (b) "Child abuse" means abandonment, abuse, harm, mental
1871 injury, neglect, physical injury, or sexual abuse of a child as
1872 those terms are defined in s. 39.01 ~~those acts as defined in ss.~~
1873 ~~39.01(1), (2), (31), (41), (43), (55), and (66), 827.04, and~~
1874 984.03 ~~984.03(1), (2), and (37)~~.

1875 Section 28. Subsection (5) of section 39.205, Florida
1876 Statutes, is amended to read:

1877 39.205 Penalties relating to reporting of child abuse,
1878 abandonment, or neglect.--

1879 (5) If the department or its authorized agent has
1880 determined after its investigation that a report is false, the
1881 department shall, with the consent of the alleged perpetrator,
1882 refer the report to the local law enforcement agency having
1883 jurisdiction for an investigation to determine whether sufficient
1884 evidence exists to refer the case for prosecution for filing a
1885 false report as defined in s. 39.01 ~~s. 39.01(28)~~. During the
1886 pendency of the investigation ~~by the local law enforcement~~



509848

586-03990A-08

1887 | ~~agency,~~ the department must notify the local law enforcement
1888 | agency of, and the local law enforcement agency must respond to,
1889 | all subsequent reports concerning children in that same family in
1890 | accordance with s. 39.301. If the law enforcement agency believes
1891 | that there are indicators of abuse, abandonment, or neglect, it
1892 | must immediately notify the department, which must ensure ~~assure~~
1893 | the safety of the children. If the law enforcement agency finds
1894 | sufficient evidence for prosecution for filing a false report, it
1895 | must refer the case to the appropriate state attorney for
1896 | prosecution.

1897 | Section 29. Subsection (1) of section 39.302, Florida
1898 | Statutes, is amended to read:

1899 | 39.302 Protective investigations of institutional child
1900 | abuse, abandonment, or neglect.--

1901 | (1) The department shall conduct a child protective
1902 | investigation of each report of institutional child abuse,
1903 | abandonment, or neglect. Upon receipt of a report that alleges
1904 | that an employee or agent of the department, or any other entity
1905 | or person covered by s. 39.01(33) or (47) ~~s. 39.01(32) or (46)~~,
1906 | acting in an official capacity, has committed an act of child
1907 | abuse, abandonment, or neglect, the department shall initiate a
1908 | child protective investigation within the timeframe established
1909 | ~~by the central abuse hotline~~ under s. 39.201(5) and orally notify
1910 | the appropriate state attorney, law enforcement agency, and
1911 | licensing agency, which. ~~These agencies~~ shall immediately conduct
1912 | a joint investigation, unless independent investigations are more
1913 | feasible. When conducting investigations onsite or having face-
1914 | to-face interviews with the child, ~~such~~ investigation visits
1915 | shall be unannounced unless it is determined by the department or
1916 | its agent that ~~the~~ unannounced visits ~~would~~ threaten the safety



509848

586-03990A-08

1917 | of the child. ~~If~~ ~~When~~ a facility is exempt from licensing, the
1918 | department shall inform the owner or operator of the facility of
1919 | the report. Each agency conducting a joint investigation is
1920 | entitled to full access to the information gathered by the
1921 | department in the course of the investigation. A protective
1922 | investigation must include an onsite visit of the child's place
1923 | of residence. ~~In all cases,~~ The department shall make a full
1924 | written report to the state attorney within 3 working days after
1925 | making the oral report. A criminal investigation shall be
1926 | coordinated, whenever possible, with the child protective
1927 | investigation of the department. Any interested person who has
1928 | information regarding the offenses described in this subsection
1929 | may forward a statement to the state attorney as to whether
1930 | prosecution is warranted and appropriate. Within 15 days after
1931 | the completion of the investigation, the state attorney shall
1932 | report the findings to the department and shall include in the
1933 | report a determination of whether or not prosecution is justified
1934 | and appropriate in view of the circumstances of the specific
1935 | case.

1936 | Section 30. Paragraphs (b) and (c) of subsection (2) of
1937 | section 39.6011, Florida Statutes, are amended to read:

1938 | 39.6011 Case plan development.--

1939 | (2) The case plan must be written simply and clearly in
1940 | English and, if English is not the principal language of the
1941 | child's parent, to the extent possible in the parent's principal
1942 | language. Each case plan must contain:

1943 | (b) The permanency goal ~~as defined in s. 39.01(51).~~

1944 | (c) If concurrent planning is being used, a description of
1945 | the permanency goal of reunification with the parent or legal
1946 | custodian in addition to a description of one of the remaining



509848

586-03990A-08

1947 permanency goals described in s. 39.01 ~~s. 39.01(51)~~.

1948 Section 31. Paragraph (e) of subsection (6) of section
1949 39.811, Florida Statutes, is amended to read:

1950 39.811 Powers of disposition; order of disposition.--

1951 (6) The parental rights of one parent may be severed
1952 without severing the parental rights of the other parent only
1953 under the following circumstances:

1954 (e) If the parent whose rights are being terminated meets
1955 any of the criteria specified in s. 39.806(1)(d) and (f)-(1) ~~(f)-~~
1956 ~~(i)~~.

1957 Section 32. Paragraph (a) of subsection (1) of section
1958 39.828, Florida Statutes, is amended to read:

1959 39.828 Grounds for appointment of a guardian advocate.--

1960 (1) The court shall appoint the person named in the
1961 petition as a guardian advocate with all the powers and duties
1962 specified in s. 39.829 for an initial term of 1 year upon a
1963 finding that:

1964 (a) The child named in the petition is or was a drug
1965 dependent newborn as described in s. 39.01(32)(g) ~~s.~~
1966 ~~39.01(31)(g)~~;

1967 Section 33. Paragraph (d) of subsection (1) of section
1968 419.001, Florida Statutes, is amended to read:

1969 419.001 Site selection of community residential homes.--

1970 (1) For the purposes of this section, the following
1971 definitions shall apply:

1972 (d) "Resident" means any of the following: a frail elder as
1973 defined in s. 429.65; a physically disabled or handicapped person
1974 as defined in s. 760.22(7)(a); a developmentally disabled person
1975 as defined in s. 393.063; a nondangerous mentally ill person as
1976 defined in s. 394.455(18); or a child who is found to be



509848

586-03990A-08

1977 | dependent as defined in s. 39.01 or s.984.03, or a child in need
1978 | of services as defined in s. 984.03 ~~s. 39.01(14), s. 984.03(9) or~~
1979 | ~~(12),~~ or s. 985.03.

1980 | Section 34. Except as otherwise expressly provided in this
1981 | act and except for this section, which shall take effect upon
1982 | becoming a law, this act shall take effect July 1, 2008.