

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Children, Families &  
 2 Seniors Subcommittee  
 3 Representative McBurney offered the following:

**Amendment (with title amendment)**

Between lines 46 and 47, insert:

Section 1. Subsection (6) of section 39.001, Florida  
 Statutes, is amended to read:

39.001 Purposes and intent; personnel standards and  
 screening.—

(6) MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES.—

(a) The Legislature recognizes that early referral and  
 comprehensive treatment can help combat mental illnesses and  
 substance abuse disorders in families and that treatment is  
 cost-effective.

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16 (b) The Legislature establishes the following goals for  
17 the state related to mental illness and substance abuse  
18 treatment services in the dependency process:

19 1. To ensure the safety of children.

20 2. To prevent and remediate the consequences of mental  
21 illnesses and substance abuse disorders on families involved in  
22 protective supervision or foster care and reduce the occurrences  
23 of mental illnesses and substance abuse disorders, including  
24 alcohol abuse or related disorders, for families who are at risk  
25 of being involved in protective supervision or foster care.

26 3. To expedite permanency for children and reunify  
27 healthy, intact families, when appropriate.

28 4. To support families in recovery.

29 (c) The Legislature finds that children in the care of the  
30 state's dependency system need appropriate health care services,  
31 that the impact of mental illnesses and substance abuse  
32 disorders on health indicates the need for health care services  
33 to include treatment for mental health and substance abuse  
34 disorders for ~~services to~~ children and parents where  
35 appropriate, and that it is in the state's best interest that  
36 such children be provided the services they need to enable them  
37 to become and remain independent of state care. In order to  
38 provide these services, the state's dependency system must have  
39 the ability to identify and provide appropriate intervention and  
40 treatment for children with personal or family-related mental  
41 illness and substance abuse problems.

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42 (d) It is the intent of the Legislature to encourage the  
43 use of the mental health court program model established under  
44 s. 394.47892 and the drug court program model established under  
45 ~~by~~ s. 397.334 and authorize courts to assess children and  
46 persons who have custody or are requesting custody of children  
47 where good cause is shown to identify and address mental  
48 illnesses and substance abuse disorders ~~problems~~ as the court  
49 deems appropriate at every stage of the dependency process.  
50 Participation in treatment, including a mental health court  
51 program or a treatment-based drug court program, may be required  
52 by the court following adjudication. Participation in assessment  
53 and treatment before ~~prior to~~ adjudication is ~~shall be~~  
54 voluntary, except as provided in s. 39.407(16).

55 (e) It is therefore the purpose of the Legislature to  
56 provide authority for the state to contract with mental health  
57 service providers and community substance abuse treatment  
58 providers for the development and operation of specialized  
59 support and overlay services for the dependency system, which  
60 will be fully implemented and used as resources permit.

61 (f) Participation in a mental health court program or a  
62 ~~the~~ treatment-based drug court program does not divest any  
63 public or private agency of its responsibility for a child or  
64 adult, but is intended to enable these agencies to better meet  
65 their needs through shared responsibility and resources.

66 Section 2. Subsection (10) of section 39.507, Florida  
67 Statutes, is amended to read:

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68 39.507 Adjudicatory hearings; orders of adjudication.—  
69 (10) After an adjudication of dependency, or a finding of  
70 dependency where adjudication is withheld, the court may order a  
71 person who has custody or is requesting custody of the child to  
72 submit to a mental health or substance abuse disorder assessment  
73 or evaluation. The assessment or evaluation must be administered  
74 by a qualified professional, as defined in s. 397.311. The court  
75 may also require such person to participate in and comply with  
76 treatment and services identified as necessary, including, when  
77 appropriate and available, participation in and compliance with  
78 a mental health court program established under s. 394.47892 or  
79 a treatment-based drug court program established under s.  
80 397.334. In addition to supervision by the department, the  
81 court, including the mental health court program or treatment-  
82 based drug court program, may oversee the progress and  
83 compliance with treatment by a person who has custody or is  
84 requesting custody of the child. The court may impose  
85 appropriate available sanctions for noncompliance upon a person  
86 who has custody or is requesting custody of the child or make a  
87 finding of noncompliance for consideration in determining  
88 whether an alternative placement of the child is in the child's  
89 best interests. Any order entered under this subsection may be  
90 made only upon good cause shown. This subsection does not  
91 authorize placement of a child with a person seeking custody,  
92 other than the parent or legal custodian, who requires mental  
93 health or substance abuse disorder treatment.

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94 Section 3. Paragraph (b) of subsection (1) of section  
95 39.521, Florida Statutes, is amended to read:

96 39.521 Disposition hearings; powers of disposition.—

97 (1) A disposition hearing shall be conducted by the court,  
98 if the court finds that the facts alleged in the petition for  
99 dependency were proven in the adjudicatory hearing, or if the  
100 parents or legal custodians have consented to the finding of  
101 dependency or admitted the allegations in the petition, have  
102 failed to appear for the arraignment hearing after proper  
103 notice, or have not been located despite a diligent search  
104 having been conducted.

105 (b) When any child is adjudicated by a court to be  
106 dependent, the court having jurisdiction of the child has the  
107 power by order to:

108 1. Require the parent and, when appropriate, the legal  
109 custodian and the child to participate in treatment and services  
110 identified as necessary. The court may require the person who  
111 has custody or who is requesting custody of the child to submit  
112 to a mental health or substance abuse disorder assessment or  
113 evaluation. The assessment or evaluation must be administered by  
114 a qualified professional, as defined in s. 397.311. The court  
115 may also require such person to participate in and comply with  
116 treatment and services identified as necessary, including, when  
117 appropriate and available, participation in and compliance with  
118 a mental health court program established under s. 394.47892 or  
119 a treatment-based drug court program established under s.

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120 397.334. In addition to supervision by the department, the  
121 court, including the mental health court program or the  
122 treatment-based drug court program, may oversee the progress and  
123 compliance with treatment by a person who has custody or is  
124 requesting custody of the child. The court may impose  
125 appropriate available sanctions for noncompliance upon a person  
126 who has custody or is requesting custody of the child or make a  
127 finding of noncompliance for consideration in determining  
128 whether an alternative placement of the child is in the child's  
129 best interests. Any order entered under this subparagraph may be  
130 made only upon good cause shown. This subparagraph does not  
131 authorize placement of a child with a person seeking custody of  
132 the child, other than the child's parent or legal custodian, who  
133 requires mental health or substance abuse disorder treatment.

134 2. Require, if the court deems necessary, the parties to  
135 participate in dependency mediation.

136 3. Require placement of the child either under the  
137 protective supervision of an authorized agent of the department  
138 in the home of one or both of the child's parents or in the home  
139 of a relative of the child or another adult approved by the  
140 court, or in the custody of the department. Protective  
141 supervision continues until the court terminates it or until the  
142 child reaches the age of 18, whichever date is first. Protective  
143 supervision shall be terminated by the court whenever the court  
144 determines that permanency has been achieved for the child,  
145 whether with a parent, another relative, or a legal custodian,

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146 and that protective supervision is no longer needed. The  
147 termination of supervision may be with or without retaining  
148 jurisdiction, at the court's discretion, and shall in either  
149 case be considered a permanency option for the child. The order  
150 terminating supervision by the department shall set forth the  
151 powers of the custodian of the child and shall include the  
152 powers ordinarily granted to a guardian of the person of a minor  
153 unless otherwise specified. Upon the court's termination of  
154 supervision by the department, no further judicial reviews are  
155 required, so long as permanency has been established for the  
156 child.

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158 -----  
159 **T I T L E A M E N D M E N T**

160 Remove line 3 and insert:

161 justice system; amending ss. 39.001, 39.507, and 39.521, F.S.;  
162 conforming provisions to changes made by the act; amending s.  
163 394.47891, F.S.;