

By the Committee on Children, Families, and Elder Affairs; and
Senator Detert

586-01457-16

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1 A bill to be entitled
2 An act relating to adoption; amending s. 63.082, F.S.;
3 revising the circumstances under which an adoption
4 consent is valid, binding, and enforceable; requiring
5 a court to determine, under certain circumstances,
6 whether a change of placement of a child is in the
7 child's best interests, rather than whether the change
8 of placement is appropriate; deleting a determination
9 that a court must consider under certain
10 circumstances; revising when a court must provide
11 written notice to a parent of specified information;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Subsection (6) of section 63.082, Florida
17 Statutes, is amended to read:

18 63.082 Execution of consent to adoption or affidavit of
19 nonpaternity; family social and medical history; revocation of
20 consent.—

21 (6) (a) If a parent executes a consent for placement of a
22 minor with an adoption entity or qualified prospective adoptive
23 parents and the minor child is under the supervision ~~in the~~
24 ~~e custody~~ of the department, ~~but parental rights have not yet been~~
25 ~~terminated~~, the adoption consent is valid, binding, and
26 enforceable by the court.

27 (b) Upon execution of the consent of the parent, the
28 adoption entity shall be permitted to intervene in the
29 dependency case as a party in interest and must provide the

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30 court that acquired jurisdiction over the minor, pursuant to the
31 shelter or dependency petition filed by the department, a copy
32 of the preliminary home study of the prospective adoptive
33 parents and any other evidence of the suitability of the
34 placement. The preliminary home study must be maintained with
35 strictest confidentiality within the dependency court file and
36 the department's file. A preliminary home study must be provided
37 to the court in all cases in which an adoption entity has
38 intervened pursuant to this section. Unless the court has
39 concerns regarding the qualifications of the home study
40 provider, or concerns that the home study may not be adequate to
41 determine the best interests of the child, the home study
42 provided by the adoption entity shall be deemed to be sufficient
43 and no additional home study needs to be performed by the
44 department.

45 (c) If an adoption entity files a motion to intervene in
46 the dependency case in accordance with this chapter, the
47 dependency court shall promptly grant a hearing to determine
48 whether the adoption entity has filed the required documents to
49 be permitted to intervene and whether a change of placement of
50 the child is in the best interests of the child pursuant to s.
51 39.522(1) appropriate.

52 (d) Upon a determination by the court that the prospective
53 adoptive parents are properly qualified to adopt the minor child
54 and that the adoption is ~~appears to be~~ in the best interests of
55 the minor child, the court shall immediately order the transfer
56 of custody of the minor child to the prospective adoptive
57 parents, under the supervision of the adoption entity. The
58 adoption entity shall thereafter provide monthly supervision

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59 reports to the department until finalization of the adoption. If
60 the child has been determined to be dependent by the court, the
61 department shall provide information to the prospective adoptive
62 parents at the time they receive placement of the dependent
63 child regarding approved parent training classes available
64 within the community. The department shall file with the court
65 an acknowledgment of the parent's receipt of the information
66 regarding approved parent training classes available within the
67 community.

68 ~~(e) In determining whether the best interests of the child~~
69 ~~are served by transferring the custody of the minor child to the~~
70 ~~prospective adoptive parent selected by the parent, the court~~
71 ~~shall consider the rights of the parent to determine an~~
72 ~~appropriate placement for the child, the permanency offered, the~~
73 ~~child's bonding with any potential adoptive home that the child~~
74 ~~has been residing in, and the importance of maintaining sibling~~
75 ~~relationships, if possible.~~

76 (e)(f) The adoption entity shall be responsible for keeping
77 the dependency court informed of the status of the adoption
78 proceedings at least every 90 days from the date of the order
79 changing placement of the child until the date of finalization
80 of the adoption.

81 (f)(g) At the arraignment hearing held pursuant to s.
82 39.506, in the order that approves the case plan pursuant to s.
83 39.603, or in the order that changes the permanency goal to
84 adoption and terminates the parental rights pursuant to s.
85 39.621 ~~In all dependency proceedings, after it is determined~~
86 ~~that reunification is not a viable alternative and prior to the~~
87 ~~filing of a petition for termination of parental rights, the~~

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88 court shall provide written notice to ~~advise~~ the biological
89 parent who is a party to the case of his or her ~~the~~ right to
90 participate in a private adoption plan.

91 Section 2. This act shall take effect July 1, 2016.