

ENROLLED

HB 281, Engrossed 1

2018 Legislature

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2 An act relating to incarcerated parents; creating s.  
3 39.6021, F.S.; requiring the Department of Children  
4 and Families to obtain specified information from a  
5 facility where a parent is incarcerated under certain  
6 circumstances; providing an exception; requiring that  
7 a parent who is incarcerated be included in case  
8 planning and provided with a copy of the case plan;  
9 providing requirements for case plans; specifying that  
10 the incarcerated parent is responsible for complying  
11 with facility procedures and policies to access  
12 services or maintain contact with his or her children  
13 as provided in the case plan; requiring the parties to  
14 the case plan to move to amend the case plan if a  
15 parent becomes incarcerated after a case plan has been  
16 developed and the parent's incarceration has an impact  
17 on permanency for the child; requiring that the case  
18 plan include certain information if the incarcerated  
19 parent is released before it expires; requiring the  
20 department to include certain information in the case  
21 plan if the incarcerated parent does not participate  
22 in its preparation; providing construction; providing  
23 an effective date.

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25 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 39.6021, Florida Statutes, is created to read:

39.6021 Case planning when parents are incarcerated or become incarcerated.—

(1) In a case in which the parent is incarcerated, the department shall obtain information from the facility where the parent is incarcerated to determine how the parent can participate in the preparation and completion of the case plan and receive the services that are available to the parent at the facility. This subsection does not apply if the department has determined that a case plan for reunification with the incarcerated parent will not be offered.

(2) A parent who is incarcerated must be included in case planning and must be provided a copy of any case plan that is developed.

(3) A case plan for a parent who is incarcerated must comply with ss. 39.6011 and 39.6012 to the extent possible, and must give consideration to the regulations of the facility where the parent is incarcerated and to services available at the facility. The department shall attach a list of services available at the facility to the case plan. If the facility does not have a list of available services, the department must note the unavailability of the list in the case plan.

(4) The incarcerated parent is responsible for complying

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51 with the facility's procedures and policies to access services  
 52 or maintain contact with his or her children as provided in the  
 53 case plan.

54 (5) If a parent becomes incarcerated after a case plan has  
 55 been developed, the parties to the case plan must move to amend  
 56 the case plan if the parent's incarceration has an impact on  
 57 permanency for the child, including, but not limited to:

58 (a) Modification of provisions regarding visitation and  
 59 contact with the child;

60 (b) Identification of services within the facility; or

61 (c) Changing the permanency goal or establishing a  
 62 concurrent case plan goal.

63 (6) If an incarcerated parent is released before the case  
 64 plan expires, the case plan must, if appropriate, include tasks  
 65 that must be completed by the parent and services that must be  
 66 accessed by the parent upon the parent's release.

67 (7) If the parent does not participate in preparation of  
 68 the case plan, the department must include in the case plan a  
 69 full explanation of the circumstances surrounding his or her  
 70 nonparticipation and must state the nature of the department's  
 71 efforts to secure the incarcerated parent's participation.

72 (8) This section does not prohibit the department or the  
 73 court from revising a permanency goal after a parent becomes  
 74 incarcerated or from determining that a case plan with a goal of  
 75 reunification may not be offered to a parent. This section may

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76 | not be interpreted as creating additional obligations for a  
77 | facility which do not exist in the statutes or regulations  
78 | governing that facility.

79 |       Section 2. This act shall take effect July 1, 2018.