

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: CS/CS/SB 774

INTRODUCER: Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senator Bean

SUBJECT: Dependency Proceedings

DATE: February 26, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Preston</u>	<u>Hendon</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Tulloch</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
3.	<u>Sneed</u>	<u>Hansen</u>	<u>AP</u>	<u>Favorable</u>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 774 provides that, in private adoptions, the adoption entity conducting the preliminary home study is responsible for determining the counseling and educational needs of the adoptive parents.

The bill clarifies that the training mandated by the Department of Children and Families (DCF) for foster families applies only when children are being adopted from the department and does not apply to private adoptions.

The bill also requires that the DCF provide a copy of its record check from the central abuse registry to the adoption entity conducting the preliminary home study of the adoptive parents.

The bill has no fiscal impact on state government.

The bill is effective July 1, 2018.

## II. Present Situation:

Section 63.092(3), F.S., requires prospective adoptive parents in private adoption proceedings to undergo a preliminary home study to determine their suitability as adoptive parents.<sup>1</sup> A DCF-licensed child-placing agency or child-caring agency generally conducts the preliminary home study, which includes, among other things, a records check of the prospective parents in DCF's central abuse registry and counseling and education of the intended adoptive parents on adoptive parenting.<sup>2</sup>

Currently, the statute does not require the results of the DCF record check to be given directly to the entity conducting the preliminary home study. This provision also does not specify what the counseling and education requirements are for prospective adoptive parents in private proceedings; however, the DCF imposes the same training requirements it uses for licensing and training prospective foster care parents and emergency shelter parents pursuant to s. 407.175, F.S.<sup>3</sup> This training is designed to prepare prospective foster care parents and emergency shelter parents for the unique difficulties they will have to face when caring for children in dependency proceedings with a history of abuse, neglect, or prior placement disruptions.<sup>4</sup>

## III. Effect of Proposed Changes:

**Section 1** amends s. 63.092(3), F.S., relating to the requirements of preliminary home studies of intended adoptive parents, to:

- Require the DCF to provide records checks of its central abuse registry directly to the adoption entity conducting the home study, to ensure integrity of the results and protect the best interest of the child being placed for adoption, and
- Allow licensed adoption agencies in private adoptions to use their professional judgement to determine the appropriate counseling and education for the intended adoptive parents. The bill exempts adoptive parents in private adoptions from the training requirements in s. 409.175(14), F.S.

**Section 2** provides an effective date of October 1, 2018.

## IV. Constitutional Issues:

### A. Municipality/County Mandates Restrictions:

None.

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<sup>1</sup> Section 63.092(3), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Rules 65C-15.028, 65C-16.005(4), and 65C-13.024, F.A.C; and s. 409.175(14), F.S.

<sup>4</sup> Section 409.175(14), F.S. One of the training requirements for these parents is 21 hours of preservice training to: orient them; explain their role as a treatment team member; prepare them for issues involved in the transition of a child into and out of foster care and emergency shelter care; teach them to manage difficult child behavior intensified by placement, prior abuse or neglect, or prior placement disruptions; prevent placement disruptions; teach them how to care for children at various developmental levels; and educate them on the effects of foster parenting on their families.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Children and Families expects no fiscal impact to state government.<sup>5</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill substantially amends s. 63.092 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Judiciary on February 20, 2018:**

The committee substitute no longer includes sections 1 through 7 of the underlying bill. These sections imported the more expeditious procedures of the adoption act, ch. 63, F.S., into the dependency law, ch. 39, F.S., for identifying prospective parents or unmarried biological fathers prior to terminating all parental rights.

**CS by Children, Families, and Elder Affairs on January 22, 2018:**

The amendment does the following:

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<sup>5</sup> Dept. of Children & Families, *2018 Agency Legislative Bill Analysis, Senate Bill 774*, (Jan. 29, 2018) (on filed with Senate Judiciary Committee).

- Makes a number of technical and conforming changes including replacing the term “individually served” with the term “personally served” and replacing the term “alleged parent” with the term “prospective parent.”
- Requires certain records check of the Department of Children and Families’ Central Abuse Registry be provided directly to the entity conducting the home study to ensure the integrity of the results and protect the best interest of children being placed for adoption; and
- Allows licensed adoption agencies to use their professional judgement to determine the appropriate counseling and education, dependent upon the type of adoption and the child being adopted.
- Removes the provision that allows the community-based lead care agencies to receive credit for specified adoptions.

B. Amendments:

None.