

By Senator Bean

4-00807-18

2018774__

1 A bill to be entitled
2 An act relating to dependency proceedings; amending s.
3 39.001, F.S.; providing an additional purpose of ch.
4 39, F.S.; amending s. 39.01, F.S.; revising the
5 definition of the term "parent" and defining the term
6 "unmarried biological father"; amending s. 39.402 and
7 39.803, F.S.; revising the types of information
8 relating to the identity and location of a child's
9 legal father that fall within the scope of a court
10 inquiry at a shelter hearing or a hearing regarding a
11 petition for termination of parental rights; amending
12 s. 39.502, F.S.; providing for certain unmarried
13 biological fathers to receive notice of dependency
14 hearings under certain circumstances; amending ss.
15 39.503, F.S.; revising the types of information
16 relating to the identity and location of a child's
17 legal father that fall within the scope of a court
18 inquiry at a dependency or shelter hearing; requiring
19 a court to take certain actions if a person fails to
20 assert parental rights; providing conditions for
21 establishing paternity in a dependency proceeding;
22 authorizing the court to order certain scientific
23 testing to determine maternity or paternity of a
24 child; providing for assessment of costs of
25 litigation; amending s. 39.801, F.S.; requiring notice
26 of a petition for termination of parental rights to be
27 served on an unmarried biological father identified
28 under oath or by a diligent search of the Florida
29 Putative Father Registry under certain circumstances;

4-00807-18

2018774__

30 providing conditions for contesting the petition;
31 conforming cross-references; amending s. 409.1662,
32 F.S.; requiring the Department of Children and
33 Families to include certain information regarding
34 adoptions in outcome-based agreements between lead
35 agencies and their subcontracted providers; providing
36 an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Paragraphs (n), (o), and (p) of subsection (1)
41 of section 39.001, Florida Statutes, are redesignated as
42 paragraphs (o), (p), and (q), respectively, and a new paragraph
43 (n) is added to that subsection to read:

44 39.001 Purposes and intent; personnel standards and
45 screening.—

46 (1) PURPOSES OF CHAPTER.—The purposes of this chapter are:

47 (n) Whenever possible, to ensure that children have the
48 benefit of loving and caring relationships with both of their
49 parents. To that end, parents should be engaged to the fullest
50 extent possible in the lives of their children and prospective
51 parents should be afforded a prompt, full, and fair opportunity
52 to establish a parental relationship with their children and
53 assume all parental duties. A prospective parent who is an
54 unmarried biological father has the same rights under this
55 chapter as under chapter 63. Accordingly, his interest is
56 inchoate until he demonstrates a timely and full commitment to
57 the responsibilities of parenthood. Because time is of the
58 essence under this chapter, and the time limitations belong to

4-00807-18

2018774__

59 the child and not to the parent or to any prospective parent,
60 prospective parents, including unmarried biological parents,
61 must be aware that failure to comply with the specific
62 requirements of this chapter may result in permanent elimination
63 or termination of their rights or interests as actual or
64 inchoate parents or prospective parents.

65 Section 2. Subsection (50) of section 39.01, Florida
66 Statutes, is amended, subsection (81) is renumbered as
67 subsection (82), and a new subsection (81) is added to that
68 section, to read:

69 39.01 Definitions.—When used in this chapter, unless the
70 context otherwise requires:

71 (50) "Parent" means a woman who gives birth to a child and
72 a man whose consent to the adoption of the child would be
73 required under s. 63.062(1). The term "parent" also means legal
74 father as defined in this section. If a child has been legally
75 adopted, the term "parent" means the adoptive mother or father
76 of the child. For purposes of this chapter only, when the phrase
77 "parent or legal custodian" is used, it refers to rights or
78 responsibilities of the parent and, only if there is no living
79 parent with intact parental rights, to the rights or
80 responsibilities of the legal custodian who has assumed the role
81 of the parent. The term does not include an individual whose
82 parental relationship to the child has been legally terminated,
83 or an alleged or prospective parent, unless:

84 ~~(a) The parental status falls within the terms of s.~~
85 ~~39.503(1) or s. 63.062(1); or~~

86 ~~(b)~~ parental status is applied for the purpose of
87 determining whether the child has been abandoned.

4-00807-18

2018774__

88 (81) "Unmarried biological father" means the child's
89 biological father who is not married to the child's mother at
90 the time of conception or on the date of the birth of the child
91 and who, before the advisory hearing is held on a petition to
92 terminate parental rights, has not been adjudicated or declared
93 by a court of competent jurisdiction to be the legal father of
94 the child or has not executed an affidavit pursuant to s.
95 382.013(2)(c).

96 Section 3. Paragraph (c) of subsection (8) of section
97 39.402, Florida Statutes, is amended to read:

98 39.402 Placement in a shelter.—

99 (8)

100 (c) At the shelter hearing, the court shall:

101 1. Appoint a guardian ad litem to represent the best
102 interest of the child, unless the court finds that such
103 representation is unnecessary;

104 2. Inform the parents or legal custodians of their right to
105 counsel to represent them at the shelter hearing and at each
106 subsequent hearing or proceeding, and the right of the parents
107 to appointed counsel, pursuant to the procedures set forth in s.
108 39.013;

109 3. Give the parents or legal custodians an opportunity to
110 be heard and to present evidence; and

111 4. Inquire of those present at the shelter hearing as to
112 the identity and location of the legal father. In determining
113 who the legal father of the child may be, the court shall
114 inquire under oath of those present at the shelter hearing
115 whether they have any of the following information regarding the
116 identity of any man:

4-00807-18

2018774__

117 a. To whom the mother of the child was married at any time
 118 when conception of the child may have occurred or at the time of
 119 the birth of the child.

120 b. Who has filed an affidavit of paternity pursuant to s.
 121 382.013(2)(c) before an advisory hearing is held on a petition
 122 for termination of parental rights.

123 c. Who has adopted the child.

124 d. Who has been adjudicated by a court of competent
 125 jurisdiction as the father of the child before an advisory
 126 hearing is held on a petition for termination of parental
 127 rights.

128 e. Whom the mother identified as the father under oath to a
 129 representative of the department.

130 ~~a. Whether the mother of the child was married at the~~
 131 ~~probable time of conception of the child or at the time of birth~~
 132 ~~of the child.~~

133 ~~f.b.~~ With whom ~~Whether~~ the mother was cohabiting ~~with a~~
 134 ~~male~~ at the probable time of conception of the child.

135 ~~g.e.~~ Who claims to be the father and from whom ~~Whether~~ the
 136 mother has received payments or promises of support with respect
 137 to the child or because of her pregnancy ~~from a man who claims~~
 138 ~~to be the father.~~

139 ~~h.d.~~ Whom ~~Whether~~ the mother has named ~~any man~~ as the
 140 father on the birth certificate of the child or in connection
 141 with applying for or receiving public assistance.

142 ~~i.e.~~ Who ~~Whether any man~~ has acknowledged or claimed
 143 paternity of the child in a jurisdiction in which the mother
 144 resided at the time of or since conception of the child or in
 145 which the child has resided or resides.

4-00807-18

2018774__

146 ~~j.f.~~ Who ~~Whether a man~~ is named on the birth certificate of
147 the child pursuant to s. 382.013(2).

148 ~~k.g.~~ Who ~~Whether a man~~ has been determined by a court order
149 to be the father of the child.

150 ~~l.h.~~ Who ~~Whether a man~~ has been determined to be the father
151 of the child by the Department of Revenue as provided in s.
152 409.256.

153 Section 4. Subsections (7) through (19) of section 39.502,
154 Florida Statutes, are renumbered as subsections (8) through
155 (20), respectively, subsection (1) and present subsection (9) of
156 that section are amended, and a new subsection (7) is added to
157 that section, to read:

158 39.502 Notice, process, and service.—

159 (1) Unless parental rights have been terminated, all
160 parents must be notified of all proceedings or hearings
161 involving the child. Notice in cases involving shelter hearings
162 and hearings resulting from medical emergencies must be that
163 most likely to result in actual notice to the parents. In all
164 other dependency proceedings, notice must be provided in
165 accordance with subsections (4)-(10) ~~(4)-(9)~~, except when a
166 relative requests notification pursuant to s. 39.301(14)(b), in
167 which case notice shall be provided pursuant to subsection (20)
168 ~~(19)~~.

169 (7) (a) Notice of the petition for dependency shall be
170 individually served upon any known and locatable unmarried
171 biological father who is identified under oath before the court
172 or who is identified by a diligent search of the Florida
173 Putative Father Registry. Service of the notice of the petition
174 for dependency is not required if the unmarried biological

4-00807-18

2018774__

175 father signs an affidavit of nonpaternity or a consent to
176 termination of his parental rights and such affidavit or consent
177 is accepted by the department. The recipient of the notice may
178 waive service of process by executing a waiver and acknowledging
179 receipt of the notice.

180 (b) The notice of petition for dependency must specifically
181 state that if the unmarried biological father desires to assert
182 his parental rights to acquire standing to contest the
183 dependency petition he must, within 30 days after service:

184 1. File a claim of paternity with the Florida Putative
185 Father Registry pursuant to instructions provided for submitting
186 a claim of paternity form to the Office of Vital Statistics,
187 including the address to which the claim must be sent.

188 2. Legally establish his parental rights to the child
189 pursuant to the laws of the state.

190 3. File a verified response with the court which contains a
191 pledge of commitment to the child, a request for the court to
192 calculate and order child support, and an agreement to submit to
193 the court's jurisdiction.

194 4. Provide support for the child as calculated by the court
195 under s. 61.30.

196 5. Seek to establish a substantial relationship with the
197 child within the parameters established by court order. An
198 unmarried biological father must develop a substantial
199 relationship with the child by taking parental responsibility
200 for the child and the child's future; providing financial
201 support to the child in accordance with his ability, if not
202 prevented from doing so by the person or authorized agency
203 having lawful custody of the child; and establishing or

4-00807-18

2018774__

204 maintaining regular contact with the child in accordance with a
205 written court order. An order for visitation or other contact
206 may be entered by the court if the court determines that such
207 contact will not endanger the safety, well-being, or physical,
208 mental, or emotional health of the child. The court may consider
209 the results of any home study in making such determination.

210 (c) The court shall determine whether the unmarried
211 biological father took the steps necessary to assert his
212 parental rights to acquire standing to contest the dependency
213 petition pursuant to paragraph (b) and, if not, the court shall
214 enter a finding that the unmarried biological father is no
215 longer a prospective parent or participant, may not contest the
216 petition for dependency or any subsequent petition for
217 termination of parental rights, and is no longer entitled to any
218 further notice of proceedings regarding the child unless
219 otherwise ordered by the court.

220 (d) If an unmarried biological father is not identified
221 pursuant to the inquiry under this section, the unmarried
222 biological father's claim that he did not receive actual notice
223 of the dependency proceeding is not a defense to a finding that
224 the child is dependent.

225 (10) ~~(9)~~ When an affidavit of diligent search has been filed
226 under subsection (9) ~~(8)~~, the petitioner shall continue to
227 search for and attempt to serve the person sought until excused
228 from further search by the court. The petitioner shall report on
229 the results of the search at each court hearing until the person
230 is identified or located or further search is excused by the
231 court.

232 Section 5. Section 39.503, Florida Statutes, is amended to

4-00807-18

2018774__

233 read:

234 39.503 Identity or location of parent unknown; special
235 procedures.—

236 (1) If the identity or location of a parent is unknown and
237 a petition for dependency or shelter is filed, the court shall
238 conduct under oath the following inquiry of the parent or legal
239 custodian who is available, or, if no parent or legal custodian
240 is available, of any relative or custodian of the child who is
241 present at the hearing and likely to have any of the following
242 information regarding the identity of any man:

243 (a) To whom the mother of the minor was married at any time
244 when conception of the child may have occurred or at the time of
245 the birth of the child.

246 (b) Who has filed an affidavit of paternity pursuant to s.
247 382.013(2)(c) before an advisory hearing is held on a petition
248 for termination of parental rights.

249 (c) Who has adopted the child.

250 (d) Who has been adjudicated by a court of competent
251 jurisdiction as the father of the child before an advisory
252 hearing is held on a petition for termination of parental
253 rights.

254 (e) Whom the mother identified as the father under oath to
255 a representative of the department.

256 ~~(a) Whether the mother of the child was married at the~~
257 ~~probable time of conception of the child or at the time of birth~~
258 ~~of the child.~~

259 ~~(f)(b)~~ (f) With whom ~~Whether~~ the mother was cohabiting ~~with a~~
260 ~~male~~ at the probable time of conception of the child.

261 ~~(g)(e)~~ (g) Who claims to be the father and from whom ~~Whether~~

4-00807-18

2018774__

262 the mother has received payments or promises of support with
263 respect to the child or because of her pregnancy ~~from a man who~~
264 ~~claims to be the father.~~

265 (h) ~~(d)~~ Who ~~Whether~~ the mother has named ~~any man~~ as the
266 father on the birth certificate of the child or in connection
267 with applying for or receiving public assistance.

268 (i) ~~(e)~~ Who ~~Whether any man~~ has acknowledged or claimed
269 paternity of the child in a jurisdiction in which the mother
270 resided at the time of or since conception of the child, or in
271 which the child has resided or resides.

272 (j) ~~(f)~~ Who ~~Whether a man~~ is named on the birth certificate
273 of the child pursuant to s. 382.013(2).

274 (k) ~~(g)~~ Who ~~Whether a man~~ has been determined by a court
275 order to be the father of the child.

276 (l) ~~(h)~~ Who ~~Whether a man~~ has been determined to be the
277 father of the child by the Department of Revenue as provided in
278 s. 409.256.

279 (2) The information required under ~~in~~ subsection (1) may be
280 supplied to the court or the department in the form of a sworn
281 affidavit by a person having personal knowledge of the facts.

282 (3) If the inquiry under subsection (1) identifies any
283 person as a parent or prospective parent, the court shall
284 require notice of the hearing to be provided to that person.

285 (4) If the inquiry under subsection (1) fails to identify
286 any person as a parent or prospective parent, the court shall so
287 find and may proceed without further notice.

288 (5) If the inquiry under subsection (1) identifies a parent
289 or prospective parent, and that person's location is unknown,
290 the court shall direct the petitioner to conduct a diligent

4-00807-18

2018774__

291 search for that person before scheduling a disposition hearing
292 regarding the dependency of the child unless the court finds
293 that the best interest of the child requires proceeding without
294 notice to the person whose location is unknown.

295 (6) If the inquiry under subsection (1) identifies an
296 unmarried biological father or an unmarried biological father is
297 identified by another means and is individually served with a
298 petition for dependency but fails to assert his parental rights
299 as specified in s. 39.502(7), the court shall so find and may
300 proceed without further notice.

301 (7)~~(6)~~ The diligent search required by subsection (5) must
302 include, at a minimum, inquiries of all relatives of the parent
303 or prospective parent made known to the petitioner, inquiries of
304 all offices of program areas of the department likely to have
305 information about the parent or prospective parent, inquiries of
306 other state and federal agencies likely to have information
307 about the parent or prospective parent, inquiries of appropriate
308 utility and postal providers, a thorough search of at least one
309 electronic database specifically designed for locating persons,
310 a search of the Florida Putative Father Registry, and inquiries
311 of appropriate law enforcement agencies. Pursuant to s. 453 of
312 the Social Security Act, 42 U.S.C. s. 653(c)(4), the department,
313 as the state agency administering Titles IV-B and IV-E of the
314 act, shall be provided access to the federal and state parent
315 locator service for diligent search activities.

316 (8)~~(7)~~ Any agency contacted by a petitioner with a request
317 for information pursuant to subsection (7) ~~(6)~~ shall release the
318 requested information to the petitioner without the necessity of
319 a subpoena or court order.

4-00807-18

2018774__

320 (9) (a) ~~(8)~~ If the inquiry and diligent search identifies a
321 prospective parent, that person must be given the opportunity to
322 become a party to the proceedings by completing a sworn
323 affidavit of parenthood and filing it with the court or the
324 department. A prospective parent who files a sworn affidavit of
325 parenthood while the child is a dependent child but no later
326 than at the time of or before the adjudicatory hearing in any
327 termination of parental rights proceeding for the child shall be
328 considered a parent for all purposes under this section unless
329 the other parent contests the determination of parenthood. If
330 neither the known parent nor the prospective parent objects to a
331 request to establish parentage under the laws of the state, the
332 court may enter an agreed order, order the Office of Vital
333 Statistics to amend the child's birth certificate, and order the
334 petitioning parent to pay support for the child.

335 (b) If the known parent contests the recognition of the
336 prospective parent as a parent, the prospective parent may not
337 be recognized as a parent until proceedings to determine
338 maternity or paternity under chapter 742 have been concluded.
339 However, the prospective parent shall continue to receive notice
340 of hearings as a participant pending results of the chapter 742
341 proceedings to determine maternity or paternity. The dependency
342 court may hear the chapter 742 proceeding and establish
343 parentage in accordance with the procedures in that chapter,
344 including entry of an order or judgment establishing parentage.

345 (c) A prospective parent may only file a sworn affidavit of
346 parenthood when the child does not have two legally recognized
347 parents. If a child has two legally recognized parents, the
348 prospective parent must seek to establish parentage pursuant to

4-00807-18

2018774__

349 chapter 742.

350 (d) Nothing in this subsection prevents the known parent
351 and the prospective parent from agreeing to voluntarily submit
352 to scientific testing to determine the maternity or paternity of
353 the child if the child does not already have two legally
354 recognized parents and the court determines it is in the child's
355 best interest.

356 (e) Test results are admissible in evidence and shall be
357 weighed along with other evidence of parentage unless the
358 statistical probability of parentage equals or exceeds 95
359 percent. A statistical probability of parentage that equals or
360 exceeds 95 percent creates a rebuttable presumption, as
361 described in s. 90.304, that the alleged parent is the
362 biological parent of the child. If a party fails to rebut the
363 presumption of parentage which arose from the statistical
364 probability of parentage that equals or exceeds 95 percent, the
365 court may enter a summary judgment of parentage. If the test
366 results show the alleged parent is not the biological parent,
367 the prospective parent is no longer considered a participant or
368 entitled to notice of the proceedings.

369 (f) The court shall assess the cost of the paternity
370 determination as a cost of litigation.

371 (10) ~~(9)~~ If the diligent search under subsection (5) fails
372 to identify and locate a parent or prospective parent, the court
373 shall so find and may proceed without further notice.

374 Section 6. Subsection (3) of section 39.801, Florida
375 Statutes, is amended to read:

376 39.801 Procedures and jurisdiction; notice; service of
377 process.-

4-00807-18

2018774__

378 (3) Before the court may terminate parental rights, in
379 addition to the other requirements set forth in this part, the
380 following requirements must be met:

381 (a) Notice of the date, time, and place of the advisory
382 hearing for the petition to terminate parental rights and a copy
383 of the petition must be personally served upon the following
384 persons, specifically notifying them that a petition has been
385 filed:

386 1. The parents of the child.

387 2. The legal custodians of the child.

388 3. If the parents who would be entitled to notice are dead
389 or unknown, a living relative of the child, unless upon diligent
390 search and inquiry no such relative can be found.

391 4. Any person who has physical custody of the child.

392 5. Any grandparent entitled to priority for adoption under
393 s. 63.0425.

394 6. Any prospective parent who has been identified under s.
395 39.503 or s. 39.803, unless a court order has been entered
396 pursuant to s. 39.503(4), (6), or (10) or s. 39.803(4), (6), or
397 (10) ~~s. 39.503(4) or (9) or s. 39.803(4) or (9)~~ which indicates
398 no further notice is required. Except as otherwise provided in
399 this section, if there is not a legal father, notice of the
400 petition for termination of parental rights must be provided to
401 any known prospective father who is identified under oath before
402 the court or who is identified by a diligent search of the
403 Florida Putative Father Registry. Service of the notice of the
404 petition for termination of parental rights is not required if
405 the prospective father executes an affidavit of nonpaternity or
406 a consent to termination of his parental rights which is

4-00807-18

2018774__

407 accepted by the court after notice and opportunity to be heard
408 by all parties to address the best interests of the child in
409 accepting such affidavit.

410 7. The guardian ad litem for the child or the
411 representative of the guardian ad litem program, if the program
412 has been appointed.

413

414 The document containing the notice to respond or appear must
415 contain, in type at least as large as the type in the balance of
416 the document, the following or substantially similar language:

417 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING
418 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF
419 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND
420 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE
421 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS
422 NOTICE."

423 (b) Notice of the petition for termination of parental
424 rights shall be individually served upon any known and locatable
425 unmarried biological father who is identified under oath before
426 the court or who is identified by a diligent search of the
427 Florida Putative Father Registry. Service of the notice of the
428 petition for termination of parental rights is not required if
429 the unmarried biological father signs an affidavit of
430 nonpaternity or a consent to termination of his parental rights
431 and such affidavit or consent is accepted by the department. The
432 recipient of the notice may waive service of process by
433 executing a waiver and acknowledging receipt of the notice. The
434 notice of petition for termination of parental rights must
435 specifically state that if the unmarried biological father

4-00807-18

2018774__

436 desires to assert his parental rights to acquire standing to
437 contest the petition he must, within 30 days after service:

438 1. File a claim of paternity with the Florida Putative
439 Father Registry pursuant to instructions provided for submitting
440 a claim of paternity form to the Office of Vital Statistics,
441 including the address to which the claim must be sent.

442 2. Legally establish his parental rights to the child
443 pursuant to the laws of the state.

444 3. File a verified response with the court which contains a
445 pledge of commitment to the child, a request for the court to
446 calculate and order child support, and an agreement to submit to
447 the court's jurisdiction.

448 4. Provide support for the child as calculated by the court
449 under s. 61.30.

450 5. Seek to establish a substantial relationship with the
451 child within the parameters established by court order. A father
452 must develop a substantial relationship with the child by taking
453 parental responsibility for the child and the child's future;
454 providing financial support to the child in accordance with his
455 ability, if not prevented from doing so by the person or
456 authorized agency having lawful custody of the child; and
457 establishing or maintaining regular contact with the child in
458 accordance with a written court order. An order for visitation
459 or other contact may be entered by the court if the court
460 determines that such contact will not endanger the safety, well-
461 being, and physical, mental, or emotional health of the child.
462 The court may consider the results of any home study when making
463 such determination.

464 (c) The court shall determine whether the unmarried

4-00807-18

2018774__

465 biological father took the steps necessary to assert his
466 parental rights to acquire standing to contest the dependency
467 petition pursuant to paragraph (b) and, if not, the court shall
468 enter a finding that the unmarried biological father is no
469 longer a prospective parent or participant, may not contest the
470 petition for termination of parental rights, and is no longer
471 entitled to any further notice of proceedings regarding the
472 child unless otherwise ordered by the court.

473 (d) If an unmarried biological father is not identified
474 pursuant to the inquiry under this section, the unmarried
475 biological father's claim that he did not receive actual notice
476 of the termination proceeding is not a defense to the petition
477 nor grounds that the proceeding is otherwise defective.

478 (e) ~~(b)~~ If a party required to be served with notice as
479 prescribed in paragraph (a) cannot be served, notice of hearings
480 must be given as prescribed by the rules of civil procedure, and
481 service of process must be made as specified by law or civil
482 actions.

483 (f) ~~(e)~~ Notice as prescribed by this section may be waived,
484 in the discretion of the judge, with regard to any person to
485 whom notice must be given under this subsection if the person
486 executes, before two witnesses and a notary public or other
487 officer authorized to take acknowledgments, a written surrender
488 of the child to a licensed child-placing agency or the
489 department.

490 (g) ~~(d)~~ If the person served with notice under this section
491 fails to personally appear at the advisory hearing, the failure
492 to personally appear shall constitute consent for termination of
493 parental rights by the person given notice. If a parent appears

4-00807-18

2018774__

494 for the advisory hearing and the court orders that parent to
495 personally appear at the adjudicatory hearing for the petition
496 for termination of parental rights, stating the date, time, and
497 location of said hearing, then failure of that parent to
498 personally appear at the adjudicatory hearing shall constitute
499 consent for termination of parental rights.

500 Section 7. Section 39.803, Florida Statutes, is amended to
501 read:

502 39.803 Identity or location of parent unknown after filing
503 of termination of parental rights petition; special procedures.-

504 (1) If the identity or location of a parent is unknown and
505 a petition for termination of parental rights is filed, the
506 court shall conduct under oath the following inquiry of the
507 parent who is available, or, if no parent is available, of any
508 relative, caregiver, or legal custodian of the child who is
509 present at the hearing and likely to have the information
510 regarding the identity of any man:

511 (a) To whom the mother of the child was married at any time
512 when conception of the child may have occurred or at the time of
513 the birth of the child.

514 (b) Who has filed an affidavit of paternity pursuant to s.
515 382.013(2)(c) before an advisory hearing is held on a petition
516 for termination of parental rights.

517 (c) Who has adopted the child before an advisory hearing is
518 held on the petition for termination of parental rights.

519 (d) Who has been adjudicated by a court as the father of
520 the child before an advisory hearing is held on a petition for
521 termination of parental rights.

522 (e) Whom the mother identified as the father under oath to

4-00807-18

2018774__

523 a representative of the department before an advisory hearing is
524 held on the petition for termination of parental rights.

525 ~~(a) Whether the mother of the child was married at the~~
526 ~~probable time of conception of the child or at the time of birth~~
527 ~~of the child.~~

528 ~~(f)(b)~~ With whom ~~Whether~~ the mother was cohabiting ~~with a~~
529 ~~male~~ at the probable time of conception of the child.

530 ~~(g)(e)~~ Who claims to be the father and from whom ~~Whether~~
531 the mother has received payments or promises of support with
532 respect to the child or because of her pregnancy ~~from a man who~~
533 ~~claims to be the father.~~

534 ~~(h)(d)~~ Who ~~Whether~~ the mother has named ~~any man~~ as the
535 father on the birth certificate of the child or in connection
536 with applying for or receiving public assistance before an
537 advisory hearing is held on the petition for termination of
538 parental rights.

539 ~~(i)(e)~~ Who ~~Whether any man~~ has acknowledged or claimed
540 paternity of the child in a jurisdiction in which the mother
541 resided at the time of or since conception of the child, or in
542 which the child has resided or resides before an advisory
543 hearing is held on the petition for termination of parental
544 rights.

545 ~~(j)(f)~~ Who ~~Whether a man~~ is named on the birth certificate
546 of the child pursuant to s. 382.013(2).

547 ~~(k)(g)~~ Who ~~Whether a man~~ has been determined by a court
548 order to be the father of the child.

549 ~~(l)(h)~~ Who ~~Whether a man~~ has been determined to be the
550 father of the child by the Department of Revenue as provided in
551 s. 409.256.

4-00807-18

2018774__

552 (2) The information required in subsection (1) may be
553 supplied to the court or the department in the form of a sworn
554 affidavit by a person having personal knowledge of the facts.

555 (3) If the inquiry under subsection (1) identifies any
556 person as a parent or prospective parent, the court shall
557 require notice of the hearing to be provided to that person.

558 (4) If the inquiry under subsection (1) fails to identify
559 any person as a parent or prospective parent, the court shall so
560 find and may proceed without further notice.

561 (5) If the inquiry under subsection (1) identifies a parent
562 or prospective parent, and that person's location is unknown,
563 the court shall direct the petitioner to conduct a diligent
564 search for that person before scheduling an adjudicatory hearing
565 regarding the petition for termination of parental rights to the
566 child unless the court finds that the best interest of the child
567 requires proceeding without actual notice to the person whose
568 location is unknown.

569 (6) If the inquiry under subsection (1) identifies an
570 unmarried biological father or an unmarried biological father is
571 identified by another means and is individually served with a
572 petition for termination of parental rights but fails to assert
573 his parental rights as specified in s. 39.801(3)(b), the court
574 shall so find and may proceed without further notice.

575 (7)~~(6)~~ The diligent search required by subsection (5) must
576 include, at a minimum, inquiries of all known relatives of the
577 parent or prospective parent, inquiries of all offices of
578 program areas of the department likely to have information about
579 the parent or prospective parent, inquiries of other state and
580 federal agencies likely to have information about the parent or

4-00807-18

2018774__

581 prospective parent, inquiries of appropriate utility and postal
582 providers, a thorough search of at least one electronic database
583 specifically designed for locating persons, a search of the
584 Florida Putative Father Registry, and inquiries of appropriate
585 law enforcement agencies. Pursuant to s. 453 of the Social
586 Security Act, 42 U.S.C. s. 653(c)(4), the department, as the
587 state agency administering Titles IV-B and IV-E of the act,
588 shall be provided access to the federal and state parent locator
589 service for diligent search activities.

590 (8)~~(7)~~ Any agency contacted by petitioner with a request
591 for information pursuant to subsection (7) ~~(6)~~ shall release the
592 requested information to the petitioner without the necessity of
593 a subpoena or court order.

594 (9)~~(8)~~ If the inquiry and diligent search identifies a
595 prospective parent, that person must be given the opportunity to
596 become a party to the proceedings by completing a sworn
597 affidavit of parenthood and filing it with the court or the
598 department. A prospective parent who files a sworn affidavit of
599 parenthood while the child is a dependent child but no later
600 than at the time of or before the adjudicatory hearing in the
601 termination of parental rights proceeding for the child shall be
602 considered a parent for all purposes under this section.

603 (10)~~(9)~~ If the diligent search under subsection (5) fails
604 to identify and locate a prospective parent, the court shall so
605 find and may proceed without further notice.

606 Section 8. Paragraph (b) of subsection (2) of section
607 409.1662, Florida Statutes, is amended to read:

608 409.1662 Children within the child welfare system; adoption
609 incentive program.—

4-00807-18

2018774__

610 (2) ADMINISTRATION OF THE PROGRAM.—

611 (b) Using the information from the baseline assessment, the
612 department shall annually negotiate outcome-based agreements
613 with lead agencies and their subcontracted providers. The
614 agreements must establish measurable outcome targets to increase
615 the number of adoptions resulting in permanent placements that
616 enhance children's well-being. The agreements must ~~will~~ define
617 the method for measuring performance and for determining the
618 level of performance required to earn the incentive payment, and
619 the amount of the incentive payment which may be earned for each
620 target. The agreements must ensure that any placement for
621 adoption by an adoption entity pursuant to s. 63.082(6) is
622 credited to the lead agency and its subcontractor as if the lead
623 agency or its subcontractor had made the placement.

624 Section 9. This act shall take effect October 1, 2018.