

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

586-02340A-18

2018774c1

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 ss. 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 s.
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;

586-02340A-18

2018774c1

30 providing conditions for contesting the petition;
31 conforming cross-references; amending s. 63.092, F.S.;
32 requiring the Department of Children and Families to
33 release specified records to entities conducting
34 preliminary home studies; providing the Department of
35 Children and Families shall not require specified
36 training for certain home studies; providing an
37 effective date.

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

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

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

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

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

586-02340A-18

2018774c1

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

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

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

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

85 ~~(a) The parental status falls within the terms of s.~~
86 ~~39.503(1) or s. 63.062(1); or~~

87 ~~(b) parental status is applied for the purpose of~~

586-02340A-18

2018774c1

88 determining whether the child has been abandoned.

89 (81) "Unmarried biological father" means the child's
90 biological father who is not married to the child's mother at
91 the time of conception or on the date of the birth of the child
92 and who, before the advisory hearing is held on a petition to
93 terminate parental rights, has not been adjudicated or declared
94 by a court of competent jurisdiction to be the legal father of
95 the child or has not executed an affidavit pursuant to s.
96 382.013(2)(c).

97 Section 3. Paragraph (c) of subsection (8) of section
98 39.402, Florida Statutes, is amended to read:

99 39.402 Placement in a shelter.—

100 (8)

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

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

105 2. Inform the parents or legal custodians of their right to
106 counsel to represent them at the shelter hearing and at each
107 subsequent hearing or proceeding, and the right of the parents
108 to appointed counsel, pursuant to the procedures set forth in s.
109 39.013;

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

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

586-02340A-18

2018774c1

117 identity of any man:

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

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

124 c. Who has adopted the child.

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

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

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

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

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

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

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

586-02340A-18

2018774c1

146 which the child has resided or resides.

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

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

151 ~~l.h.~~ Who ~~Whether a man~~ has been determined to be the father
152 of the child by the Department of Revenue as provided in s.
153 409.256.

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

159 39.502 Notice, process, and service.—

160 (1) Unless parental rights have been terminated, all
161 parents must be notified of all proceedings or hearings
162 involving the child. Notice in cases involving shelter hearings
163 and hearings resulting from medical emergencies must be that
164 most likely to result in actual notice to the parents. In all
165 other dependency proceedings, notice must be provided in
166 accordance with subsections (4)-(10) ~~(4)-(9)~~, except when a
167 relative requests notification pursuant to s. 39.301(14)(b), in
168 which case notice shall be provided pursuant to subsection (20)
169 ~~(19)~~.

170 (7) (a) If a child does not have a legal father, notice of
171 the petition for dependency shall be personally served upon any
172 known and locatable unmarried biological father who is
173 identified under oath before the court or who is identified by a
174 diligent search of the Florida Putative Father Registry. Service

586-02340A-18

2018774c1

175 of the notice of the petition for dependency is not required if
176 the unmarried biological father signs an affidavit of
177 nonpaternity or a consent to termination of his parental rights
178 and such affidavit or consent is accepted by the department. The
179 recipient of the notice may waive service of process by
180 executing a waiver and acknowledging receipt of the notice.

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

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

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

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

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

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

586-02340A-18

2018774c1

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

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

221 (d) If an unmarried biological father is not identified
222 pursuant to the inquiry under section 39.503, the unmarried
223 biological father's claim that he did not receive actual notice
224 of the dependency proceeding is not a defense to a finding that
225 the child is dependent.

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

586-02340A-18

2018774c1

233 Section 5. Section 39.503, Florida Statutes, is amended to
234 read:

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

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

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

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

250 (c) Who has adopted the child.

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

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

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

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

586-02340A-18

2018774c1

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

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

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

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

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

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

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

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

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

289 (5) If the inquiry under subsection (1) identifies a parent
290 or prospective parent, and that person's location is unknown,

586-02340A-18

2018774c1

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

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

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

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

586-02340A-18

2018774c1

320 a subpoena or court order.

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

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

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

586-02340A-18

2018774c1

349 prospective parent must seek to establish parentage pursuant to
350 chapter 742.

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

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

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

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

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

377 39.801 Procedures and jurisdiction; notice; service of

586-02340A-18

2018774c1

378 process.—

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

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

387 1. The parents of the child.

388 2. The legal custodians of the child.

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

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

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

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

586-02340A-18

2018774c1

407 a consent to termination of his parental rights which is
408 accepted by the court after notice and opportunity to be heard
409 by all parties to address the best interests of the child in
410 accepting such affidavit.

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

414

415 The document containing the notice to respond or appear must
416 contain, in type at least as large as the type in the balance of
417 the document, the following or substantially similar language:
418 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING
419 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF
420 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND
421 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE
422 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS
423 NOTICE."

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

586-02340A-18

2018774c1

436 parental rights must specifically state that if the unmarried
437 biological father desires to assert his parental rights to
438 acquire standing to contest the petition he must, within 30 days
439 after service:

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

444 2. Legally establish his parental rights to the child
445 pursuant to the laws of the state.

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

450 4. Provide support for the child as calculated by the court
451 under s. 61.30.

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

586-02340A-18

2018774c1

465 such determination.

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

476 (d) If an unmarried biological father is not identified
477 pursuant to the inquiry under section 39.803, the unmarried
478 biological father's claim that he did not receive actual notice
479 of the termination proceeding is not a defense to the petition
480 nor grounds that the proceeding is otherwise defective.

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

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

493 (g) ~~(d)~~ If the person served with notice under this section

586-02340A-18

2018774c1

494 fails to personally appear at the advisory hearing, the failure
495 to personally appear shall constitute consent for termination of
496 parental rights by the person given notice. If a parent appears
497 for the advisory hearing and the court orders that parent to
498 personally appear at the adjudicatory hearing for the petition
499 for termination of parental rights, stating the date, time, and
500 location of said hearing, then failure of that parent to
501 personally appear at the adjudicatory hearing shall constitute
502 consent for termination of parental rights.

503 Section 7. Section 39.803, Florida Statutes, is amended to
504 read:

505 39.803 Identity or location of parent unknown after filing
506 of termination of parental rights petition; special procedures.—

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

514 (a) To whom the mother of the child was married at any time
515 when conception of the child may have occurred or at the time of
516 the birth of the child.

517 (b) Who has filed an affidavit of paternity pursuant to s.
518 382.013(2) (c) before an advisory hearing is held on a petition
519 for termination of parental rights.

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

522 (d) Who has been adjudicated by a court as the father of

586-02340A-18

2018774c1

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

525 (e) Whom the mother identified as the father under oath to
526 a representative of the department before an advisory hearing is
527 held on the petition for termination of parental rights.

528 ~~(a) Whether the mother of the child was married at the~~
529 ~~probable time of conception of the child or at the time of birth~~
530 ~~of the child.~~

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

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

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

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

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

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

586-02340A-18

2018774c1

552 (1) ~~(h)~~ Who ~~Whether a man~~ has been determined to be the
553 father of the child by the Department of Revenue as provided in
554 s. 409.256.

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

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

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

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

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

578 (7) ~~(6)~~ The diligent search required by subsection (5) must
579 include, at a minimum, inquiries of all known relatives of the
580 parent or prospective parent, inquiries of all offices of

586-02340A-18

2018774c1

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

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

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

606 (10)~~(9)~~ If the diligent search under subsection (5) fails
607 to identify and locate a prospective parent, the court shall so
608 find and may proceed without further notice.

609 Section 8. Subsection (3) of section 63.092, Florida

586-02340A-18

2018774c1

610 Statutes, is amended to read:

611 63.092 Report to the court of intended placement by an
612 adoption entity; at-risk placement; preliminary study.—

613 (3) PRELIMINARY HOME STUDY.—Before placing the minor in the
614 intended adoptive home, a preliminary home study must be
615 performed by a licensed child-placing agency, a child-caring
616 agency registered under s. 409.176, a licensed professional, or
617 an agency described in s. 61.20(2), unless the adoptee is an
618 adult or the petitioner is a stepparent or a relative. If the
619 adoptee is an adult or the petitioner is a stepparent or a
620 relative, a preliminary home study may be required by the court
621 for good cause shown. The department is required to perform the
622 preliminary home study only if there is no licensed child-
623 placing agency, child-caring agency registered under s. 409.176,
624 licensed professional, or agency described in s. 61.20(2), in
625 the county where the prospective adoptive parents reside. The
626 preliminary home study must be made to determine the suitability
627 of the intended adoptive parents and may be completed prior to
628 identification of a prospective adoptive minor. A favorable
629 preliminary home study is valid for 1 year after the date of its
630 completion. Upon its completion, a signed copy of the home study
631 must be provided to the intended adoptive parents who were the
632 subject of the home study. A minor may not be placed in an
633 intended adoptive home before a favorable preliminary home study
634 is completed unless the adoptive home is also a licensed foster
635 home under s. 409.175. The preliminary home study must include,
636 at a minimum:

637 (a) An interview with the intended adoptive parents;

638 (b) Records checks of the department's central abuse

586-02340A-18

2018774c1

639 registry, which the department shall provide to the entity
640 conducting the preliminary home study, and criminal records
641 correspondence checks under s. 39.0138 through the Department of
642 Law Enforcement on the intended adoptive parents;

643 (c) An assessment of the physical environment of the home;

644 (d) A determination of the financial security of the
645 intended adoptive parents;

646 (e) Documentation of counseling and education of the
647 intended adoptive parents on adoptive parenting as determined by
648 the entity conducting the preliminary home study. The department
649 shall not require training as specified in s. 409.175(14) for
650 cases involving children placed for adoption that are not in the
651 custody or control of the department;

652 (f) Documentation that information on adoption and the
653 adoption process has been provided to the intended adoptive
654 parents;

655 (g) Documentation that information on support services
656 available in the community has been provided to the intended
657 adoptive parents; and

658 (h) A copy of each signed acknowledgment of receipt of
659 disclosure required by s. 63.085.

660

661 If the preliminary home study is favorable, a minor may be
662 placed in the home pending entry of the judgment of adoption. A
663 minor may not be placed in the home if the preliminary home
664 study is unfavorable. If the preliminary home study is
665 unfavorable, the adoption entity may, within 20 days after
666 receipt of a copy of the written recommendation, petition the
667 court to determine the suitability of the intended adoptive

586-02340A-18

2018774c1

668 home. A determination as to suitability under this subsection
669 does not act as a presumption of suitability at the final
670 hearing. In determining the suitability of the intended adoptive
671 home, the court must consider the totality of the circumstances
672 in the home. A minor may not be placed in a home in which there
673 resides any person determined by the court to be a sexual
674 predator as defined in s. 775.21 or to have been convicted of an
675 offense listed in s. 63.089(4)(b)2.

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