

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

590-03466-18

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1 A bill to be entitled
2 An act relating to dependency proceedings; amending s.
3 63.092, F.S.; requiring the Department of Children and
4 Families to provide specified records to entities
5 conducting preliminary home studies; limiting certain
6 training requirements to persons who adopt children
7 from the department; providing an effective date.

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

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11 Section 1. Subsection (3) of section 63.092, Florida
12 Statutes, is amended to read:

13 63.092 Report to the court of intended placement by an
14 adoption entity; at-risk placement; preliminary study.—

15 (3) PRELIMINARY HOME STUDY.—Before placing the minor in the
16 intended adoptive home, a preliminary home study must be
17 performed by a licensed child-placing agency, a child-caring
18 agency registered under s. 409.176, a licensed professional, or
19 an agency described in s. 61.20(2), unless the adoptee is an
20 adult or the petitioner is a stepparent or a relative. If the
21 adoptee is an adult or the petitioner is a stepparent or a
22 relative, a preliminary home study may be required by the court
23 for good cause shown. The department is required to perform the
24 preliminary home study only if there is no licensed child-
25 placing agency, child-caring agency registered under s. 409.176,
26 licensed professional, or agency described in s. 61.20(2), in
27 the county where the prospective adoptive parents reside. The
28 preliminary home study must be made to determine the suitability
29 of the intended adoptive parents and may be completed prior to

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30 identification of a prospective adoptive minor. A favorable
31 preliminary home study is valid for 1 year after the date of its
32 completion. Upon its completion, a signed copy of the home study
33 must be provided to the intended adoptive parents who were the
34 subject of the home study. A minor may not be placed in an
35 intended adoptive home before a favorable preliminary home study
36 is completed unless the adoptive home is also a licensed foster
37 home under s. 409.175. The preliminary home study must include,
38 at a minimum:

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

40 (b) Records checks of the department's central abuse
41 registry, which the department shall provide to the entity
42 conducting the preliminary home study, and criminal records
43 correspondence checks under s. 39.0138 through the Department of
44 Law Enforcement on the intended adoptive parents;

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

46 (d) A determination of the financial security of the
47 intended adoptive parents;

48 (e) Documentation of counseling and education of the
49 intended adoptive parents on adoptive parenting as determined by
50 the entity conducting the preliminary home study. The training
51 specified in s. 409.175(14) shall only be required for persons
52 who adopt children from the department;

53 (f) Documentation that information on adoption and the
54 adoption process has been provided to the intended adoptive
55 parents;

56 (g) Documentation that information on support services
57 available in the community has been provided to the intended
58 adoptive parents; and

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

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62 If the preliminary home study is favorable, a minor may be
63 placed in the home pending entry of the judgment of adoption. A
64 minor may not be placed in the home if the preliminary home
65 study is unfavorable. If the preliminary home study is
66 unfavorable, the adoption entity may, within 20 days after
67 receipt of a copy of the written recommendation, petition the
68 court to determine the suitability of the intended adoptive
69 home. A determination as to suitability under this subsection
70 does not act as a presumption of suitability at the final
71 hearing. In determining the suitability of the intended adoptive
72 home, the court must consider the totality of the circumstances
73 in the home. A minor may not be placed in a home in which there
74 resides any person determined by the court to be a sexual
75 predator as defined in s. 775.21 or to have been convicted of an
76 offense listed in s. 63.089(4)(b)2.

77 Section 2. This act shall take effect October 1, 2018.