



934982

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/17/2025	.	
	.	
	.	
	.	

---

The Committee on Fiscal Policy (Simon) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 1705 - 2583

and insert:

~~be contacted If the department determines that placement in a shelter is necessary according to the provisions of subsection (1), the departmental representative shall authorize placement of the child in a shelter provided by the community specifically for runaways and troubled youth who are children in need of services or members of families in need of services and shall~~



934982

11 ~~immediately notify the parents or legal custodians that the~~  
12 ~~child was taken into custody.~~

13 ~~(3) A child who is involuntarily placed in a shelter shall~~  
14 ~~be given a shelter hearing within 24 hours after being taken~~  
15 ~~into custody to determine whether shelter placement is required.~~  
16 ~~The shelter petition filed with the court shall address each~~  
17 ~~condition required to be determined in subsection (1).~~

18 ~~(4) A child may not be held involuntarily in a shelter~~  
19 ~~longer than 24 hours unless an order so directing is made by the~~  
20 ~~court after a shelter hearing finding that placement in a~~  
21 ~~shelter is necessary based on the criteria in subsection (1) and~~  
22 ~~that the department has made reasonable efforts to prevent or~~  
23 ~~eliminate the need for removal of the child from the home.~~

24 ~~(5) Except as provided under s. 984.225, a child in need of~~  
25 ~~services or a child from a family in need of services may not be~~  
26 ~~placed in a shelter for longer than 35 days.~~

27 ~~(6) When any child is placed in a shelter pursuant to court~~  
28 ~~order following a shelter hearing, the court shall order the~~  
29 ~~natural or adoptive parents of such child, the natural father of~~  
30 ~~such child born out of wedlock who has acknowledged his~~  
31 ~~paternity in writing before the court, or the guardian of such~~  
32 ~~child's estate, if possessed of assets which under law may be~~  
33 ~~disbursed for the care, support, and maintenance of the child,~~  
34 ~~to pay, to the department, fees as established by the~~  
35 ~~department. When the order affects the guardianship estate, a~~  
36 ~~certified copy of the order shall be delivered to the judge~~  
37 ~~having jurisdiction of the guardianship estate.~~

38 ~~(7) A child who is adjudicated a child in need of services~~  
39 ~~or alleged to be from a family in need of services or a child in~~



934982

40 ~~need of services may not be placed in a secure detention~~  
41 ~~facility or jail or any other commitment program for delinquent~~  
42 ~~children under any circumstances.~~

43 ~~(8) The court may order the placement of a child in need of~~  
44 ~~services into a staff-secure facility for no longer than 5 days~~  
45 ~~for the purpose of evaluation and assessment.~~

46 Section 26. Section 984.15, Florida Statutes, is amended to  
47 read:

48 984.15 Petition for a child in need of services.—

49 (1) All proceedings seeking an adjudication that a child is  
50 a child in need of services shall be initiated by the filing of  
51 a petition by an attorney representing the department or by the  
52 child's parent, legal guardian, or ~~legal~~ custodian. ~~If a child~~  
53 ~~in need of services has been placed in a shelter pursuant to s.~~  
54 ~~984.14, the department shall file the petition immediately,~~  
55 ~~including in the petition notice of arraignment pursuant to s.~~  
56 ~~984.20.~~

57 (2) (a) The department shall file a petition for a child in  
58 need of services if the child meets the definition of a child in  
59 need of services, and the case manager or staffing committee  
60 recommends requests that a petition be filed and:

61 1. The family and child have in good faith, but  
62 unsuccessfully, used the services and process described in ss.  
63 984.11 and 984.12; or

64 2. The family or child have refused ~~all~~ services described  
65 in ss. 984.11 and 984.12 after reasonable efforts by the  
66 department to involve the family and child in voluntary family  
67 services and treatment.

68 (b) Once the requirements in paragraph (a) have been met,



934982

69 the department shall file a petition for a child in need of  
70 services as soon as practicable ~~within 45 days~~.

71 (c) The petition shall be in writing, shall state the  
72 specific grounds ~~under s. 984.03(9)~~ by which the child is  
73 designated a child in need of services, and shall certify that  
74 the conditions prescribed in paragraph (a) have been met. The  
75 petition shall be signed by the petitioner under oath stating  
76 good faith in filing the petition and shall be signed by an  
77 attorney for the department.

78 (3) (a) The parent, legal guardian, or ~~legal~~ custodian may  
79 file a petition alleging that a child is a child in need of  
80 services if:

81 1. The department waives the requirement for a case  
82 staffing committee.

83 2. The department fails to convene a meeting of the case  
84 staffing committee within 7 days, excluding weekends and legal  
85 holidays, after receiving a written request for such a meeting  
86 from the child's parent, legal guardian, or ~~legal~~ custodian.

87 3. The parent, legal guardian, or ~~legal~~ custodian does not  
88 agree with the plan for services offered by the case staffing  
89 committee.

90 4. The department fails to provide a written report within  
91 7 days after the case staffing committee meets, as required  
92 under s. 984.12(10) ~~s. 984.12(8)~~.

93 (b) The parent, legal guardian, or ~~legal~~ custodian must  
94 give the department prior written notice of intent to file the  
95 petition. If, at the arraignment hearing, the court finds that  
96 such written notice of intent to file the petition was not  
97 provided to the department, the court shall dismiss the



934982

98 petition, postpone the hearing until such written notice is  
99 given, or, if the department agrees, proceed with the  
100 arraignment hearing. The petition must be served on the  
101 department's office of general counsel.

102 (c) The petition must be in writing and must set forth  
103 specific facts alleging that the child is a child in need of  
104 services ~~as defined in s. 984.03(9)~~. The petition must also  
105 demonstrate that the parent, legal guardian, or ~~legal~~ custodian  
106 has in good faith, but unsuccessfully, participated in the  
107 services and processes described in ss. 984.11 and 984.12.

108 (4)~~(d)~~ The petition must be signed by the petitioner under  
109 oath.

110 (5)~~(e)~~ The court, on its own motion or the motion of any  
111 party or the department, shall determine the legal sufficiency  
112 of a petition filed under this subsection and may dismiss any  
113 petition that lacks sufficient grounds. In addition, the court  
114 shall verify that the child is not:

115 (a)~~1.~~ The subject of a pending investigation into an  
116 allegation or suspicion of abuse, neglect, or abandonment;

117 (b)~~2.~~ The subject of a pending petition ~~referral~~ alleging  
118 that the child is delinquent; or

119 (c)~~3.~~ Under the current supervision of the department or  
120 the Department of Children and Families for an adjudication or  
121 withholding of adjudication of delinquency or dependency.

122 (6)~~(4)~~ The form of the petition and any additional contents  
123 shall be determined by rules of procedure adopted by the Supreme  
124 Court.

125 (7)~~(5)~~ The petitioner ~~department or the parent, guardian,~~  
126 ~~or legal custodian~~ may withdraw a petition at any time before



934982

127 ~~prior to~~ the child is being adjudicated a child in need of  
128 services.

129 Section 27. Section 984.151, Florida Statutes, is amended  
130 to read:

131 984.151 Early truancy intervention; truancy petition;  
132 judgment ~~prosecution; disposition.~~—

133 (1) If the school determines that a student subject to  
134 compulsory school attendance has had at least five unexcused  
135 absences, or absences for which the reasons are unknown, within  
136 a calendar month or 10 unexcused absences, or absences for which  
137 the reasons are unknown, within a 90-calendar-day period  
138 pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused  
139 absences in a 90-calendar-day period, the superintendent of  
140 schools or his or her designee may file a truancy petition  
141 seeking early truancy intervention.

142 (2) The petition shall be filed in the circuit in which the  
143 student is enrolled in school.

144 (3) Original jurisdiction to hear a truancy petition shall  
145 be in the circuit court; however, the circuit court may use a  
146 general or special magistrate ~~master~~ pursuant to Supreme Court  
147 rules. Upon the filing of the petition, the clerk shall issue a  
148 summons to the parent, legal guardian, or ~~legal~~ custodian of the  
149 student, directing that person and the student to appear for a  
150 hearing at a time and place specified.

151 (4) The petition must contain the following: the name, age,  
152 and address of the student; the name and address of the  
153 student's parent or guardian; the school where the student is  
154 enrolled; the efforts the school has made to get the student to  
155 attend school in compliance with s. 1003.26; the number of out-



934982

156 of-school contacts between the school system and student's  
157 parent or guardian; and the number of days and dates of days the  
158 student has missed school. The petition shall be sworn to by the  
159 superintendent or his or her designee.

160 (5) Once the petition is filed, the court shall hear the  
161 petition within 30 days.

162 (6) The student and the student's parent or guardian shall  
163 attend the hearing.

164 (7) If the court determines that the student did miss any  
165 of the alleged days, the court shall enter an order finding the  
166 child to be a truant status offender and the court shall order  
167 the student to attend school and order the parent, legal  
168 guardian, or custodian to ensure that the student attends  
169 school. The court's power under this subsection is limited to  
170 entering orders to require the student to attend school and  
171 require the student and family to participate in services to  
172 encourage regular school attendance. The court, ~~and~~ may order  
173 any of the following services:

174 (a) The student to participate in ~~alternative sanctions to~~  
175 ~~include mandatory attendance at alternative classes; to be~~  
176 ~~followed by mandatory community services hours for a period up~~  
177 ~~to 6 months; the student and~~

178 (b) The student's parent, legal ~~or~~ guardian, or custodian  
179 to participate in parenting classes ~~homemaker or parent aide~~  
180 ~~services;~~

181 (c) The student or the student's parent, legal ~~or~~ guardian  
182 or custodian to participate in individual, group, or family  
183 ~~intensive crisis~~ counseling;

184 (d) The student or the student's parent, legal ~~or~~ guardian



934982

185 or custodian to participate in community mental health services  
186 or substance abuse treatment services if available and  
187 applicable;

188 (e) The student and the student's parent, legal or  
189 guardian, or custodian to participate in services service  
190 provided by state or community voluntary or community agencies,  
191 if appropriate as available, including services for families in  
192 need of services as provided in s. 984.11;

193 (f) The student and the student's parent, legal guardian,  
194 or custodian to attend meetings with school officials to address  
195 the child's educational needs, classroom assignment, class  
196 schedule, and other barriers to school attendance identified by  
197 the child's school, the child or his or her family;

198 (g) The student and the student's parent, legal guardian,  
199 or custodian to engage in learning activities provided by the  
200 school board as to why education is important and the potential  
201 impact on the child's future employment and education options if  
202 the attendance problem persists; or

203 (h) and The student or the student's parent, legal or  
204 guardian, or custodian to participate in vocational or job  
205 training, or employment services.

206 (8) If the student does not substantially comply with  
207 compulsory school attendance and court-ordered services required  
208 under successfully complete the sanctions ordered in subsection  
209 (7), and the child meets the definition of a child in need of  
210 services, the case shall be referred by the court to the  
211 department's authorized agent for review by the case staffing  
212 committee under s. 984.12 with a recommendation to file a  
213 petition for child in need of services ~~child-in-need-of-services~~





934982

214 petition under s. 984.15. The court shall review the case not  
215 less than every 45 days to determine whether the child is in  
216 substantial compliance with compulsory education or if the case  
217 should be referred to the case staffing committee in accord with  
218 this subsection.

219 (9) If the student substantially complies with compulsory  
220 school attendance the court shall close the truancy case.

221 (10) If the child is adjudicated a child in need of  
222 services pursuant to s. 984.21, the truancy case shall be closed  
223 and jurisdiction relinquished in accordance with s. 984.04.

224 (11) The court may retain jurisdiction of any case in which  
225 the child is noncompliant with compulsory education and the  
226 child does not meet the definition of a child in need of  
227 services under this chapter until jurisdiction lapses pursuant  
228 to s. 984.04.

229 (12) The court may not order a child placed in shelter  
230 pursuant to this section unless the court has found the child to  
231 be in contempt for violation of a court order under s. 984.09.

232 (13) ~~(9)~~ The parent, legal guardian, or ~~legal~~ custodian and  
233 the student shall participate, as required by court order, in  
234 any sanctions or services required by the court under this  
235 section, and the court shall enforce such participation through  
236 its contempt power.

237 (14) Any truant student that meets the definition of a  
238 child in need of services and who has been found in contempt for  
239 violation of a court order under s. 984.09 two or more times  
240 shall be referred to the case staffing committee under s. 984.12  
241 with a recommendation to file a petition for a child in need of  
242 services.



934982

243       (15) The clerk of court must serve any court order  
244 referring the case to voluntary family services or the case  
245 staffing committee to the department's office of general counsel  
246 and to the department's authorized agent.

247       Section 28. Subsections (3) and (5) of section 984.16,  
248 Florida Statutes, are amended, and subsection (11) is added to  
249 that section, to read:

250       984.16 Process and service for child in need of services  
251 petitions.—

252       (3) The summons shall require the person on whom it is  
253 served to appear for a hearing at a time, and place, and manner  
254 specified. ~~Except in cases of medical emergency, the time shall~~  
255 ~~not be less than 24 hours after service of the summons.~~ The  
256 summons must ~~may~~ require the custodian to bring the child to  
257 court ~~if the court determines that the child's presence is~~  
258 ~~necessary.~~ A copy of the petition shall be attached to the  
259 summons.

260       (5) The jurisdiction of the court shall attach to the child  
261 and the parent, legal guardian, or custodian, ~~or legal guardian~~  
262 of the child and the case when the summons is served upon the  
263 child or a parent, or legal guardian, or actual ~~actual~~ custodian of the  
264 child; ~~or~~ when the child is taken into custody with or without  
265 service of summons and after filing of a petition for a child in  
266 need of services; or when a party personally appears before the  
267 court whichever occurs first, and thereafter the court may  
268 control the child and case in accordance with this chapter.

269       (11) If a court takes action that directly involves a  
270 student's school, including, but not limited to, an order that a  
271 student attend school, attend school with his or her parent,



934982

272 requiring the parent to participate in meetings, including  
273 parent-teacher conferences, Section 504 plan meetings or  
274 individualized education plan meetings to address the student's  
275 disability, the office of the clerk of the court shall provide  
276 notice to the school of the court's order.

277 Section 29. Section 984.17, Florida Statutes, is amended to  
278 read:

279 984.17 Response to petition and representation of parties.-

280 (1) At the time a child in need of services petition is  
281 filed, the court may appoint a guardian ad litem for the child.

282 (2) No answer to the petition or any other pleading need be  
283 filed by any child, parent, ~~or~~ legal guardian, or custodian, but  
284 any matters which might be set forth in an answer or other  
285 pleading may be pleaded orally before the court or filed in  
286 writing as any such person may choose. Notwithstanding the  
287 filing of an answer or any pleading, the child and ~~or~~ parent,  
288 legal guardian, or custodian shall, before ~~prior to~~ an  
289 adjudicatory hearing, be advised by the court of the right to  
290 counsel.

291 (3) When a petition for a child in need of services has  
292 been filed and the parents, legal guardian, or ~~legal~~ custodian  
293 of the child and the child have advised the department that the  
294 truth of the allegations is acknowledged and that no contest is  
295 to be made of the adjudication, the attorney representing the  
296 department may set the case before the court for a disposition  
297 hearing. If there is a change in the plea at this hearing, the  
298 court shall continue the hearing to permit the attorney  
299 representing the department to prepare and present the case.

300 (4) An attorney representing the department shall represent



301 the state in any proceeding in which the petition alleges that a  
302 child is a child in need of services ~~and in which a party denies~~  
303 ~~the allegations of the petition and contests the adjudication.~~

304 Section 30. Section 984.18, Florida Statutes, is repealed.

305 Section 31. Section 984.19, Florida Statutes, is amended to  
306 read:

307 984.19 Medical screening and treatment of child;  
308 examination of parent, legal guardian, or person requesting  
309 custody.—

310 (1) When any child is to be placed in shelter care, the  
311 department or its authorized agent may ~~is authorized to~~ have a  
312 medical screening provided for ~~performed on~~ the child without  
313 authorization from the court and without consent from a parent,  
314 legal ~~or~~ guardian, or custodian. Such medical screening shall be  
315 provided ~~performed~~ by a licensed health care professional and  
316 shall be to screen ~~examine~~ the child for injury, illness, and  
317 communicable diseases. In no case does this subsection authorize  
318 the department to consent to medical treatment for such  
319 children.

320 (2) When ~~the department has performed~~ the medical screening  
321 authorized by subsection (1) or when it is otherwise determined  
322 by a licensed health care professional that a child is in need  
323 of medical treatment, consent for medical treatment shall be  
324 obtained in the following manner:

325 (a)1. Consent to medical treatment shall be obtained from a  
326 parent, legal ~~or~~ guardian, or custodian of the child; or

327 2. A court order for such treatment shall be obtained.

328 (b) If a parent, legal ~~or~~ guardian, or custodian of the  
329 child is unavailable and his or her whereabouts cannot be



934982

330 reasonably ascertained, and it is after normal working hours so  
331 that a court order cannot reasonably be obtained, an authorized  
332 agent of the department or its provider has the authority to  
333 consent to necessary medical treatment for the child. The  
334 authority of the department to consent to medical treatment in  
335 this circumstance is limited to the time reasonably necessary to  
336 obtain court authorization.

337 (c) If a parent, legal ~~or~~ guardian, or custodian of the  
338 child is available but refuses to consent to the necessary  
339 treatment, a court order is required, unless the situation meets  
340 the definition of an emergency in s. 743.064 or the treatment  
341 needed is related to suspected abuse or neglect of the child by  
342 the parent or guardian. In such case, the department's  
343 authorized agent may ~~department has the authority to~~ consent to  
344 necessary medical treatment. This authority is limited to the  
345 time reasonably necessary to obtain court authorization.

346

347 In no case may the department consent to sterilization,  
348 abortion, or termination of life support.

349 (3) A judge may order that a child alleged to be or  
350 adjudicated a child in need of services be examined by a  
351 licensed health care professional. The judge may also order such  
352 child to be evaluated by a psychiatrist or a psychologist, by a  
353 district school board educational needs assessment team, or, if  
354 a developmental disability is suspected or alleged, by the  
355 developmental disability diagnostic and evaluation team of the  
356 Department of Children and Families or Agency for Persons with  
357 Disabilities. The judge may order a family assessment if that  
358 assessment was not completed at an earlier time. If it is



934982

359 necessary to place a child in a residential facility for such  
360 evaluation, then the criteria and procedure established in s.  
361 394.463(2) or chapter 393 shall be used, whichever is  
362 applicable. The educational needs assessment provided by the  
363 district school board educational needs assessment team shall  
364 include, but not be limited to, reports of intelligence and  
365 achievement tests, screening for learning disabilities and other  
366 handicaps, and screening for the need for alternative education  
367 pursuant to s. 1003.53.

368 (4) A judge may order that a child alleged to be or  
369 adjudicated a child in need of services be treated by a licensed  
370 health care professional. The judge may also order such child to  
371 receive mental health or intellectual disability services from a  
372 psychiatrist, psychologist, or other appropriate service  
373 provider. If it is necessary to place the child in a residential  
374 facility for such services, the procedures and criteria  
375 established in s. 394.467 or chapter 393 shall be used, as  
376 applicable. A child may be provided services in emergency  
377 situations pursuant to the procedures and criteria contained in  
378 s. 394.463(1) or chapter 393, as applicable.

379 (5) When there are indications of physical injury or  
380 illness, a licensed health care professional shall be  
381 immediately contacted ~~called~~ or the child shall be taken to the  
382 nearest available hospital for emergency care.

383 (6) Except as otherwise provided herein, ~~nothing in~~ this  
384 section does not ~~shall be deemed to~~ eliminate the right of a  
385 parent, legal ~~a~~ guardian, or custodian, or the child to consent  
386 to examination or treatment for the child.

387 (7) Except as otherwise provided herein, ~~nothing in~~ this



934982

388 section does not ~~shall be deemed to~~ alter the provisions of s.  
389 743.064.

390 (8) A court may order ~~shall not be precluded from ordering~~  
391 services or treatment to be provided to the child by a duly  
392 accredited practitioner who relies solely on spiritual means for  
393 healing in accordance with the tenets and practices of a church  
394 or religious organization, when required by the child's health  
395 and when requested by the child.

396 (9) ~~Nothing in~~ This section does not ~~shall be construed to~~  
397 authorize the permanent sterilization of the child, unless such  
398 sterilization is the result of or incidental to medically  
399 necessary treatment to protect or preserve the life of the  
400 child.

401 (10) For the purpose of obtaining an evaluation or  
402 examination or receiving treatment as authorized pursuant to  
403 this section, ~~no child alleged to be or found to be a child from~~  
404 ~~a family in need of services or a child in need of services~~  
405 shall be placed in a detention facility or other program used  
406 primarily for the care and custody of children alleged or found  
407 to have committed delinquent acts.

408 (11) The parents, legal guardian, or custodian ~~guardian~~ of  
409 a child alleged to be or adjudicated a child in need of services  
410 remain financially responsible for the cost of medical treatment  
411 provided to the child even if one or both of the parents or if  
412 the legal guardian, or custodian did not consent to the medical  
413 treatment. After a hearing, the court may order the parents,  
414 legal ~~or~~ guardian, or custodian, if found able to do so, to  
415 reimburse the department or other provider of medical services  
416 for treatment provided.



934982

417           (12) A judge may order a child under its jurisdiction to  
418 submit to substance abuse evaluation, testing, and treatment in  
419 accordance with s. 397.706 ~~Nothing in this section alters the~~  
420 ~~authority of the department to consent to medical treatment for~~  
421 ~~a child who has been committed to the department pursuant to s.~~  
422 ~~984.22(3) and of whom the department has become the legal~~  
423 ~~eustodian.~~

424           (13) At any time after the filing of a petition for a child  
425 in need of services, when the mental or physical condition,  
426 including the blood group, of a parent, guardian, or other  
427 person requesting custody of a child is in controversy, the  
428 court may order the person to submit to a physical or mental  
429 examination by a qualified professional. The order may be made  
430 only upon good cause shown and pursuant to notice and procedures  
431 as set forth by the Florida Rules of Juvenile Procedure.

432           Section 32. Section 984.20, Florida Statutes, is amended to  
433 read:

434           984.20 Hearings for child in need of services ~~child-in-~~  
435 ~~need-of-services~~ cases.-

436           (1) ARRAIGNMENT HEARING.-

437           (a) The clerk shall set a date for an arraignment hearing  
438 within a reasonable time after the date of the filing of the  
439 child in need of services petition. The court shall advise the  
440 child and the parent, legal guardian, or custodian of the right  
441 to counsel as provided in s. 984.07. ~~When a child has been taken~~  
442 ~~into custody by order of the court, an arraignment hearing shall~~  
443 ~~be held within 7 days after the date the child is taken into~~  
444 ~~eustody.~~ The hearing shall be held for the child and the parent,  
445 legal guardian, or custodian to admit, deny, or consent to





934982

446 findings that a child is in need of services as alleged in the  
447 petition. If the child and the parent, legal guardian, or  
448 custodian admit or consent to the findings in the petition, the  
449 court shall adjudicate the child a child in need of services and  
450 proceed as set forth in the Florida Rules of Juvenile Procedure.  
451 However, if either the child or the parent, legal guardian, or  
452 custodian denies any of the allegations of the petition, the  
453 court shall hold an adjudicatory hearing within a reasonable  
454 time after the date of the arraignment hearing ~~7 days after the~~  
455 ~~date of the arraignment hearing.~~

456 (b) The court may grant a continuance of the arraignment  
457 hearing ~~When a child is in the custody of the parent, guardian,~~  
458 ~~or custodian, upon the filing of a petition, the clerk shall set~~  
459 ~~a date for an arraignment hearing within a reasonable time from~~  
460 ~~the date of the filing of the petition. if the child or and the~~  
461 ~~parent, legal guardian, or custodian request a continuance to~~  
462 ~~obtain an attorney. The case shall be rescheduled for an~~  
463 ~~arraignment hearing within a reasonable period of time to allow~~  
464 ~~for consultation admit or consent to an adjudication, the court~~  
465 ~~shall proceed as set forth in the Florida Rules of Juvenile~~  
466 ~~Procedure. However, if either the child or the parent, guardian,~~  
467 ~~or custodian denies any of the allegations of child in need of~~  
468 ~~services, the court shall hold an adjudicatory hearing within a~~  
469 ~~reasonable time from the date of the arraignment hearing.~~

470 (c) If at the arraignment hearing the child and the parent,  
471 legal guardian, or custodian consents or admits to the  
472 allegations in the petition and the court determines that the  
473 petition meets the requirements of s. 984.15(5) ~~s. 984.15(3)(e)~~,  
474 the court shall proceed to hold a disposition hearing at the



934982

475 earliest practicable time that will allow for the completion of  
476 a predisposition study.

477 (d) Failure of a person served with notice to appear at the  
478 arraignment hearing constitutes the person's consent to the  
479 adjudication of the child as a child in need of services. The  
480 document containing the notice to respond or appear must  
481 contain, in type as large as the balance of the document, the  
482 following or substantially similar language:

483  
484 FAILURE TO APPEAR AT THE ARRAIGNMENT HEARING  
485 CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD  
486 AS A CHILD IN NEED OF SERVICES AND MAY RESULT IN THE  
487 COURT ENTERING AN ORDER OF DISPOSITION AND PLACING THE  
488 CHILD INTO SHELTER.

489  
490 If a person appears for the arraignment hearing and the court  
491 orders that person to appear, either physically or through  
492 audio-video communication technology, at the adjudicatory  
493 hearing for the child in need of services case, stating the  
494 date, time, place, and, if applicable, the instructions for  
495 appearance through audio-video communication technology, of the  
496 adjudicatory hearing, that person's failure to appear for the  
497 scheduled adjudicatory hearing constitutes consent to  
498 adjudication of the child as a child in need of services.

499 (2) ADJUDICATORY HEARING.—

500 (a) The adjudicatory hearing shall be held as soon as  
501 practicable after the petition for a child in need of services  
502 is filed and in accordance with the Florida Rules of Juvenile  
503 Procedure, but reasonable delay for the purpose of



934982

504 investigation, discovery, or procuring counsel or witnesses  
505 shall, whenever practicable, be granted. ~~If the child is in~~  
506 ~~custody, the adjudicatory hearing shall be held within 14 days~~  
507 ~~after the date the child was taken into custody.~~

508 (b) Adjudicatory hearings shall be conducted by the judge  
509 without a jury, applying the rules of evidence in use in civil  
510 cases and adjourning the hearings from time to time as  
511 necessary. In an adjudicatory a hearing ~~on a petition in which~~  
512 ~~it is alleged that the child is a child in need of services,~~ a  
513 preponderance of evidence shall be required to establish that  
514 the child is in need of services. If the court finds the  
515 allegations are proven by a preponderance of evidence and the  
516 child is a child in need of services, the court shall enter an  
517 order of adjudication.

518 (c) All hearings, except as hereinafter provided, shall be  
519 open to the public, and no person shall be excluded therefrom  
520 except on special order of the judge who, in his or her  
521 discretion, may close any hearing to the public when the public  
522 interest or the welfare of the child, in his or her opinion, is  
523 best served by so doing. Hearings involving more than one child  
524 may be held simultaneously when the several children involved  
525 are related to each other or were involved in the same case. The  
526 child and the parent, legal guardian, or custodian of the child  
527 may be examined separately and apart from each other.

528 (3) DISPOSITION HEARING.—

529 (a) At the disposition hearing, ~~if the court finds that the~~  
530 ~~facts alleged in the petition of a child in need of services~~  
531 ~~were proven in the adjudicatory hearing,~~ the court shall receive  
532 and consider a predisposition study, which shall be in writing



934982

533 and be presented by an authorized agent of the department or its  
534 provider.

535 ~~(a)~~ The predisposition study shall cover:

536 1. All treatment and services that the parent, legal  
537 guardian, or custodian and child received.

538 2. The love, affection, and other emotional ties existing  
539 between the family parents and the child.

540 3. The capacity and disposition of the parents, legal  
541 guardian, or custodian to provide the child with food, clothing,  
542 medical care or other remedial care recognized and permitted  
543 under the laws of this state in lieu of medical care, and other  
544 material needs.

545 4. The length of time that the child has lived in a stable,  
546 satisfactory environment and the desirability of maintaining  
547 continuity.

548 5. The permanence, as a family unit, of the existing or  
549 proposed custodial home.

550 6. The moral fitness of the parents, legal guardian, or  
551 custodian.

552 7. The mental and physical health of the family.

553 8. The home, school, and community record of the child.

554 9. The reasonable preference of the child, if the court  
555 deems the child to be of sufficient intelligence, understanding,  
556 and experience to express a preference.

557 10. Any other factor considered by the court to be  
558 relevant.

559 (b) The predisposition study also shall provide the court  
560 with documentation regarding:

561 1. The availability of appropriate prevention, services,



934982

562 and treatment for the parent, legal guardian, custodian, and  
563 child to prevent the removal of the child from the home or to  
564 reunify the child with the parent, legal guardian, or custodian  
565 after removal or to reconcile the problems between the family  
566 ~~parent, guardian, or custodian~~ and the child.†

567 2. The inappropriateness of other prevention, treatment,  
568 and services that were available.†

569 3. The efforts by the department to prevent shelter out-of-  
570 ~~home~~ placement of the child or, when applicable, to reunify the  
571 parent, legal guardian, or custodian if appropriate services  
572 were available.†

573 4. Whether voluntary family ~~the~~ services were provided.†

574 5. If the voluntary family services and treatment were  
575 provided, whether they were sufficient to meet the needs of the  
576 child and the family and to enable the child to remain at home  
577 or to be returned home.†

578 6. If the voluntary family services and treatment were not  
579 provided, the reasons for such lack of provision.† ~~and~~

580 7. The need for, or appropriateness of, continuing such  
581 treatment and services if the child remains in the custody of  
582 the parent, legal guardian, or custodian or if the child is  
583 placed outside the home.

584 (c) If placement of the child with anyone other than the  
585 child's parent, guardian, or custodian is being considered, the  
586 study shall include the designation of a specific length of time  
587 as to when custody by the parent, guardian, or custodian shall  
588 be reconsidered.

589 (d) A copy of this predisposition study shall be furnished  
590 to the person having custody of the child at the time such



934982

591 person is notified of the disposition hearing.

592 (e) After review of the predisposition study and other  
593 relevant materials, the court shall hear from the parties and  
594 consider all recommendations for court-ordered services,  
595 evaluations, treatment and required actions designed to remedy  
596 the child's truancy, ungovernable behavior, or running away. The  
597 court shall enter an order of disposition.

598

599 Any other relevant and material evidence, including other  
600 written or oral reports, may be received by the court in its  
601 effort to determine the action to be taken with regard to the  
602 child and may be relied upon to the extent of its probative  
603 value, even though not competent in an adjudicatory hearing.  
604 Except as provided in paragraph (2) (c), ~~nothing in~~ this section  
605 does not shall prohibit the publication of proceedings in a  
606 hearing.

607 (4) REVIEW HEARINGS.—

608 (a) The court shall hold a review hearing within 45 days  
609 after the disposition hearing. Additional review hearings may be  
610 held as necessary, allowing sufficient time for the child and  
611 family to work toward compliance with the court orders and  
612 monitoring by the case manager. No longer than 90 days may  
613 elapse between judicial review hearings ~~but no less than 45 days~~  
614 ~~after the date of the last review hearing.~~

615 (b) The parent, legal guardian, or custodian and the child  
616 shall be noticed to appear for the review hearing. The  
617 department must appear at the review hearing. If the parent,  
618 legal guardian, or custodian does not appear at a review  
619 hearing, or if the court finds good cause to waive the child's



934982

620 presence, the court may proceed with the hearing and enter  
621 orders that affect the child and family accordingly.

622 (c) ~~(b)~~ At the review hearings, the court shall consider the  
623 department's judicial review summary. The court shall close the  
624 case if the child has substantially complied with the case plans  
625 and court orders and no longer requires continued court  
626 supervision, subject to the case being reopened. Upon request of  
627 the petitioner, the court may close the case and relinquish  
628 jurisdiction. If the child has significantly failed to comply  
629 with the case plan or court orders, the child shall continue to  
630 be a child in need of services and reviewed by the court as  
631 needed. At review hearings, the court may enter further orders  
632 to adjust the services case plan to address the family needs and  
633 compliance with court orders, including, but not limited to,  
634 ordering the child placed in shelter, but no less than 45 days  
635 after the date of the last review hearing.

636 Section 33. Section 984.21, Florida Statutes, is amended to  
637 read:

638 984.21 Orders of adjudication.—

639 (2) ~~(1)~~ If the court finds that the child named in a  
640 petition is not a child in need of services, it shall enter an  
641 order so finding and dismiss ~~dismissing~~ the case.

642 ~~(2) If the court finds that the child named in the petition~~  
643 ~~is a child in need of services, but finds that no action other~~  
644 ~~than supervision in the home is required, it may enter an order~~  
645 ~~briefly stating the facts upon which its finding is based, but~~  
646 ~~withholding an order of adjudication and placing the child and~~  
647 ~~family under the supervision of the department. If the court~~  
648 ~~later finds that the parent, guardian, or custodian of the child~~



934982

649 ~~have not complied with the conditions of supervision imposed,~~  
650 ~~the court may, after a hearing to establish the noncompliance,~~  
651 ~~but without further evidence of the state of the child in need~~  
652 ~~of services, enter an order of adjudication and shall thereafter~~  
653 ~~have full authority under this chapter to provide for the child~~  
654 ~~as adjudicated.~~

655 (3) If the court finds by a preponderance of evidence that  
656 the child named in a petition is a child in need of services,  
657 ~~but elects not to proceed under subsection (2),~~ it shall  
658 incorporate that finding in an order of adjudication entered in  
659 the case, briefly stating the facts upon which the finding is  
660 made, and the court shall thereafter have full authority under  
661 this chapter to provide for the child as adjudicated.

662 ~~(1)-(4)~~ An order of adjudication by a court that a child is  
663 a child in need of services is a civil adjudication, and is  
664 ~~services shall~~ not be deemed a conviction, nor shall the child  
665 be deemed to have been found guilty or to be a delinquent or  
666 criminal by reason of ~~that~~ adjudication, nor shall that  
667 adjudication operate to impose upon the child any of the civil  
668 disabilities ordinarily imposed by or resulting from conviction  
669 or disqualify or prejudice the child in any civil service  
670 application or appointment.

671 Section 34. Section 984.22, Florida Statutes, is amended to  
672 read:

673 984.22 Powers of disposition.—

674 (1) If the court finds that services and treatment have not  
675 been provided or used ~~utilized~~ by a child or family, the court  
676 having jurisdiction of the child in need of services shall have  
677 the power to direct the least intrusive and least restrictive





934982

678 disposition, as follows:

679 (a) Order the parent, legal guardian, or custodian and the  
680 child to participate in treatment, services, and any other  
681 alternative identified as necessary.

682 (b) Order the parent, legal guardian, or custodian to pay a  
683 fine or fee based on the recommendations of the department.

684 (2) When any child is adjudicated by the court to be a  
685 child in need of services, the court having jurisdiction of the  
686 child and parent, legal guardian, or custodian shall have the  
687 power, by order, to:

688 (a) Place the child under the supervision of the  
689 department's authorized agent ~~contracted~~ provider of programs  
690 and services for children in need of services and families in  
691 need of services. The term "supervision," for the purposes of  
692 this section, means services as defined by the contract between  
693 the department and the provider.

694 (b) Place the child in the temporary legal custody of an  
695 adult willing to care for the child.

696 (c) Commit the child to a licensed child-caring agency  
697 willing to receive the child and to provide services without  
698 compensation from the department.

699 (d) Order the child, and, if the court finds it  
700 appropriate, the parent, legal guardian, or custodian of the  
701 child, to render community service in a public service program.

702 (e) Order the child placed in shelter pursuant to s.  
703 984.225 or s. 984.226.

704 (3) When any child is adjudicated by the court to be a  
705 child in need of services and temporary legal custody of the  
706 child has been placed with an adult willing to care for the



934982

707 child, or a licensed child-caring agency, ~~the Department of~~  
708 ~~Juvenile Justice, or the Department of Children and Families,~~  
709 the court shall order the natural or adoptive parents of such  
710 child, including the natural father of such child born out of  
711 wedlock who has acknowledged his paternity in writing before the  
712 court, or the guardian of such child's estate if possessed of  
713 assets which under law may be disbursed for the care, support,  
714 and maintenance of such child, to pay child support to the adult  
715 relative caring for the child, the licensed child-caring agency,  
716 the department ~~of Juvenile Justice,~~ or the Department of  
717 Children and Families. When such order affects the guardianship  
718 estate, a certified copy of such order shall be delivered to the  
719 judge having jurisdiction of such guardianship estate. If the  
720 court determines that the parent is unable to pay support,  
721 placement of the child shall not be contingent upon issuance of  
722 a support order. The department may employ a collection agency  
723 to receive, collect, and manage ~~for the purpose of receiving,~~  
724 ~~collecting, and managing~~ the payment of unpaid and delinquent  
725 fees. The collection agency must be registered and in good  
726 standing under chapter 559. The department may pay to the  
727 collection agency a fee from the amount collected under the  
728 claim or may authorize the agency to deduct the fee from the  
729 amount collected.

730 ~~(4) All payments of fees made to the department under this~~  
731 ~~chapter, or child support payments made to the department~~  
732 ~~pursuant to subsection (3), shall be deposited in the General~~  
733 ~~Revenue Fund.~~

734 (4)(5) In carrying out the provisions of this chapter, the  
735 court shall order the child, family, parent, legal guardian, or



934982

736 custodian of a child who is found to be a child in need of  
737 services to participate in family counseling and other  
738 professional counseling activities or other alternatives deemed  
739 necessary to address the needs ~~for the rehabilitation~~ of the  
740 child and family.

741 ~~(5)-(6)~~ The participation and cooperation of the family,  
742 parent, legal guardian, or custodian, and the child with court-  
743 ordered services, treatment, or community service are mandatory,  
744 not merely voluntary. The court may use its contempt powers to  
745 enforce its orders ~~order~~.

746 Section 35. Section 984.225, Florida Statutes, is amended  
747 to read:

748 984.225 Powers of disposition; placement in a ~~staff-secure~~  
749 shelter.-

750 ~~(1) Subject to specific legislative appropriation,~~ The  
751 court may order that a child adjudicated as a child in need of  
752 services be placed in shelter to enforce the court's orders, to  
753 ensure the child attends school, to ensure the child receives  
754 needed counseling, and to ensure the child adheres to a service  
755 plan. While a child is in a shelter, the child shall receive  
756 education commensurate with his or her grade level and  
757 educational ability. The department, or the department's  
758 authorized agent, must verify to the court that a shelter bed is  
759 available for the child. If the department or the department's  
760 authorized agent verifies that a bed is not available, the  
761 department shall place the child's name on a waiting list. The  
762 child who has been on the waiting list the longest shall get the  
763 next available bed. ~~for up to 90 days in a staff-secure shelter~~  
764 ~~if:~~



934982

765       (2) The court shall order the parent, legal guardian, or  
766 custodian to cooperate with reunification efforts and  
767 participate in counseling. If a parent, legal guardian, or  
768 custodian prefers to arrange counseling or other services with a  
769 private provider in lieu of using services provided by the  
770 department, the family shall pay all costs associated with those  
771 services.

772       (3) Placement of a child under this section is designed to  
773 provide residential care on a temporary basis. Such placement  
774 does not abrogate the legal responsibilities of the parent,  
775 legal guardian, or custodian with respect to the child, except  
776 to the extent that those responsibilities are temporarily  
777 altered by court order.

778       (a) The court may order any child adjudicated a child in  
779 need of services to be placed in shelter for up to 35 days.

780       (b) After other alternative, less restrictive, remedies  
781 have been exhausted, the child may be placed in shelter for up  
782 to 90 days if:

783       1. ~~(a)~~ The child's parent, legal guardian, or legal  
784 custodian refuses to provide food, clothing, shelter, and  
785 necessary parental support for the child and the refusal is a  
786 direct result of an established pattern of significant  
787 disruptive behavior of the child in the home of the parent,  
788 legal guardian, or legal custodian;

789       2. ~~(b)~~ The child refuses to remain under the reasonable care  
790 and custody of ~~the~~ his or her parent, legal guardian, or legal  
791 custodian, as evidenced by repeatedly running away and failing  
792 to comply with a court order; or

793       3. ~~(c)~~ The child has failed to successfully complete an



794 ~~alternative treatment program or to comply with a court-ordered~~  
795 ~~services sanction~~ and the child has been placed in a shelter  
796 ~~residential program~~ on at least one prior occasion pursuant to a  
797 court order after the child has been adjudicated a child in need  
798 of services under this chapter.

799 (4) The court shall review the child's 90-day shelter  
800 placement within 45 days after the child's placement and  
801 determine whether continued shelter is deemed necessary. The  
802 court shall also determine whether the parent, legal guardian,  
803 or custodian has reasonably participated in the child's  
804 counseling and treatment program, and is following the  
805 recommendations of the program to work toward reunification. The  
806 court shall also determine whether the department's  
807 reunification efforts have been reasonable. If the court finds  
808 an inadequate level of support or participation by the parent,  
809 legal guardian, or custodian before the end of the shelter  
810 commitment period, the court shall direct a staffing to take  
811 place with the Department of Children and Families.

812 ~~(2) This section applies after other alternative, less-~~  
813 ~~restrictive remedies have been exhausted. The court may order~~  
814 ~~that a child be placed in a staff-secure shelter. The~~  
815 ~~department, or an authorized representative of the department,~~  
816 ~~must verify to the court that a bed is available for the child.~~  
817 ~~If the department or an authorized representative of the~~  
818 ~~department verifies that a bed is not available, the department~~  
819 ~~will place the child's name on a waiting list. The child who has~~  
820 ~~been on the waiting list the longest will get the next available~~  
821 ~~bed.~~

822 ~~(3) The court shall order the parent, guardian, or legal~~



934982

823 ~~eustodian to cooperate with efforts to reunite the child with~~  
824 ~~the family, participate in counseling, and pay all costs~~  
825 ~~associated with the care and counseling provided to the child~~  
826 ~~and family, in accordance with the family's ability to pay as~~  
827 ~~determined by the court. Commitment of a child under this~~  
828 ~~section is designed to provide residential care on a temporary~~  
829 ~~basis. Such commitment does not abrogate the legal~~  
830 ~~responsibilities of the parent, guardian, or legal custodian~~  
831 ~~with respect to the child, except to the extent that those~~  
832 ~~responsibilities are temporarily altered by court order.~~

833 ~~(4) While a child is in a staff-secure shelter, the child~~  
834 ~~shall receive education commensurate with his or her grade level~~  
835 ~~and educational ability.~~

836 (5) If a child has not been reunited with his or her  
837 parent, legal guardian, or ~~legal~~ custodian at the expiration of  
838 the 90-day commitment period, the court may order that the child  
839 remain in the ~~staff-secure~~ shelter for an additional 30 days if  
840 the court finds that reunification could be achieved within that  
841 period.

842 ~~(6)~~ The department is deemed to have exhausted the  
843 reasonable remedies offered under this chapter if, at the end of  
844 the 90-day shelter ~~commitment~~ period, the parent, legal  
845 guardian, or ~~legal~~ custodian continues to refuse to allow the  
846 child to remain at home or creates unreasonable conditions for  
847 the child's return. If, at the end of the 90-day shelter  
848 ~~commitment~~ period, the child is not reunited with his or her  
849 parent, legal guardian, or custodian due solely to the continued  
850 refusal of the parent, legal guardian, or custodian to provide  
851 food, clothing, shelter, and parental support, the child is



934982

852 considered to be threatened with harm as a result of such acts  
853 or omissions, and the court shall direct that the child be  
854 handled in every respect as a dependent child. Jurisdiction  
855 shall be transferred to the custody of the Department of  
856 Children and Families, and the child's care shall be governed  
857 under the relevant provisions of chapter 39. The department  
858 shall coordinate with the Department of Children and Families as  
859 provided in s. 984.086. The clerk of court shall serve the  
860 Department of Children and Families with any court order of  
861 referral.

862 ~~(7) The court shall review the child's commitment once~~  
863 ~~every 45 days as provided in s. 984.20. The court shall~~  
864 ~~determine whether the parent, guardian, or custodian has~~  
865 ~~reasonably participated in and financially contributed to the~~  
866 ~~child's counseling and treatment program. The court shall also~~  
867 ~~determine whether the department's efforts to reunite the family~~  
868 ~~have been reasonable. If the court finds an inadequate level of~~  
869 ~~support or participation by the parent, guardian, or custodian~~  
870 ~~prior to the end of the commitment period, the court shall~~  
871 ~~direct that the child be handled in every respect as a dependent~~  
872 ~~child. Jurisdiction shall be transferred to the Department of~~  
873 ~~Children and Families, and the child's care shall be governed~~  
874 ~~under the relevant provisions of chapter 39.~~

875 (6)(8) If the child requires residential mental health  
876 treatment or residential care for a developmental disability,  
877 the court shall refer the child to the Agency for Persons with  
878 Disabilities or to the Department of Children and Families for  
879 the provision of necessary services.

880



934982

881 ===== T I T L E A M E N D M E N T =====

882 And the title is amended as follows:

883       Delete lines 104 - 105

884 and insert:

885       and Families under certain circumstances; requiring a

886       court to refer a child to the Agency for Persons with