

By Senator Jones

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A bill to be entitled
An act relating to domestic violence centers; amending
s. 39.521, F.S.; prohibiting the Department of
Children and Families from deeming the results of a
home study unfavorable under certain circumstances;
prohibiting the removal of a child from certain
placement due to the child and his or her custodian or
parent temporarily residing in a certified domestic
violence center if certain requirements are met;
prohibiting a court from making a certain finding
solely due to a parent temporarily residing in a
certified domestic violence center; amending s.
39.522, F.S.; providing that a child and his or her
caregiver temporarily residing in a certified domestic
violence center does not rebut a certain presumption
if certain requirements are met; providing an
effective date.

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

Section 1. Paragraph (o) of subsection (2) and paragraph
(b) of subsection (3) of section 39.521, Florida Statutes, are
amended to read:

39.521 Disposition hearings; powers of disposition.—

(2) The family functioning assessment must provide the
court with the following documented information:

(o) If the child has been removed from the home and will be
remaining with a relative, parent, or other adult approved by
the court, a home study report concerning the proposed placement

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shall be provided to the court. Before recommending to the court any out-of-home placement for a child other than placement in a licensed shelter or foster home, the department shall conduct a study of the home of the proposed legal custodians, which must include, at a minimum:

1. An interview with the proposed legal custodians to assess their ongoing commitment and ability to care for the child.

2. Records checks through the State Automated Child Welfare Information System (SACWIS), and local and statewide criminal and juvenile records checks through the Department of Law Enforcement, on all household members 12 years of age or older. In addition, the fingerprints of any household members who are 18 years of age or older may be submitted to the Department of Law Enforcement for processing and forwarding to the Federal Bureau of Investigation for state and national criminal history information. The department has the discretion to request State Automated Child Welfare Information System (SACWIS) and local, statewide, and national criminal history checks and fingerprinting of any other visitor to the home who is made known to the department. Out-of-state criminal records checks must be initiated for any individual who has resided in a state other than Florida if that state's laws allow the release of these records. The out-of-state criminal records must be filed with the court within 5 days after receipt by the department or its agent.

3. An assessment of the physical environment of the home.

4. A determination of the financial security of the proposed legal custodians.

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59 5. A determination of suitable child care arrangements if
60 the proposed legal custodians are employed outside of the home.

61 6. Documentation of counseling and information provided to
62 the proposed legal custodians regarding the dependency process
63 and possible outcomes.

64 7. Documentation that information regarding support
65 services available in the community has been provided to the
66 proposed legal custodians.

67 8. The reasonable preference of the child, if the court
68 deems the child to be of sufficient intelligence, understanding,
69 and experience to express a preference.

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71 The department may not place the child or continue the placement
72 of the child in a home under shelter or postdisposition
73 placement if the results of the home study are unfavorable,
74 unless the court finds that this placement is in the child's
75 best interest. The results of a home study may not be deemed
76 unfavorable solely due to the potential custodian temporarily
77 residing in a certified domestic violence center. A child may
78 not be removed from such placement due to the custodian and
79 child temporarily residing in a certified domestic violence
80 center instead of the physical environment that was assessed in
81 the home study if the custodian notifies the department within
82 24 hours after taking shelter in the domestic violence center
83 and the domestic violence center administration affirms in an
84 affidavit that the placement remains appropriate and protective.

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86 Any other relevant and material evidence, including other
87 written or oral reports, may be received by the court in its

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effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as otherwise specifically provided, nothing in this section prohibits the publication of proceedings in a hearing.

(3) When any child is adjudicated by a court to be dependent, the court shall determine the appropriate placement for the child as follows:

(b) If there is a parent with whom the child was not residing at the time the events or conditions arose that brought the child within the jurisdiction of the court who desires to assume custody of the child, the court shall place the child with that parent upon completion of a home study, unless the court finds that such placement would endanger the safety, well-being, or physical, mental, or emotional health of the child. The court may not find that such placement would endanger the safety, well-being, or physical, mental, or emotional health of the child solely due to the parent temporarily residing in a certified domestic violence center. Any party with knowledge of the facts may present to the court evidence regarding whether the placement will endanger the safety, well-being, or physical, mental, or emotional health of the child.

1. If the court places the child with such parent, it may do either of the following:

a.1. Order that the parent assume sole custodial responsibilities for the child. The court may also provide for reasonable visitation by the noncustodial parent. The court may then terminate its jurisdiction over the child.

b.2. Order that the parent assume custody subject to the

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jurisdiction of the circuit court hearing dependency matters.
The court may order that reunification services be provided to the parent from whom the child has been removed, that services be provided solely to the parent who is assuming physical custody in order to allow that parent to retain later custody without court jurisdiction, or that services be provided to both parents, in which case the court shall determine at every review hearing which parent, if either, shall have custody of the child. The standard for changing custody of the child from one parent to another or to a relative or another adult approved by the court shall be the best interest of the child.

2. The court may not remove the child from placement with the parent due to the parent and the child temporarily residing in a certified domestic violence center instead of the physical environment that was assessed in the home study if the parent notifies the department within 24 hours after taking shelter in the domestic violence center and the domestic violence center administration affirms in an affidavit that the placement remains appropriate and protective.

Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall be terminated by the court whenever the court determines that permanency has been achieved for the child, whether with a parent, another relative, or a legal custodian, and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The

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order terminating supervision by the department shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. Upon the court's termination of supervision by the department, no further judicial reviews are required, so long as permanency has been established for the child.

Section 2. Paragraph (b) of subsection (3) of section 39.522, Florida Statutes, is amended to read:

39.522 Postdisposition change of custody.—

(3)

(b)1. In a hearing on the change of physical custody under this section, there shall be a rebuttable presumption that it is in the child's best interest to remain permanently in his or her current physical placement if:

a. The child has been in the same safe and stable placement for 9 consecutive months or more;

b. Reunification is not a permanency option for the child;

c. The caregiver is able, willing, and eligible for consideration as an adoptive parent or permanent custodian for the child;

d. The caregiver is not requesting the change in physical placement; and

e. The change in physical placement being sought is not to reunify the child with his or her parent or sibling or transition the child from a safe and stable nonrelative caregiver to a safe and stable relative caregiver.

2. In order to rebut the presumption established in this paragraph, the court shall hold an evidentiary hearing on the

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175 change in physical custody to determine if the change in
176 placement is in the best interest of the child. As part of the
177 evidentiary hearing, the court must consider competent and
178 substantial evidence and testimony related to the factors
179 enumerated in s. 39.01375 and any other evidence deemed relevant
180 to a determination of placement, including evidence from a
181 court-selected neutral and independent licensed professional
182 with expertise in the science and research of child-parent
183 bonding.

184 3. This presumption may not be rebutted solely by the
185 expressed wishes of a biological parent, a biological relative,
186 or a caregiver of a sibling of the child.

187 4. A child temporarily residing with his or her caregiver
188 in a certified domestic violence center does not rebut the
189 presumption established in this paragraph if the caregiver
190 notifies the department within 24 hours after taking shelter in
191 the domestic violence center and the domestic violence center
192 administration affirms in an affidavit that the placement
193 remains appropriate and protective.

194 Section 3. This act shall take effect July 1, 2026.