

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 ss.  
15          39.503, F.S.; revising the types of information  
16          relating to the identity and location of a child's  
17          legal father that fall within the scope of a court  
18          inquiry at a dependency or shelter hearing; requiring  
19          a court to take certain actions if a person fails to  
20          assert parental rights; providing conditions for  
21          establishing paternity in a dependency proceeding;  
22          authorizing the court to order certain scientific  
23          testing to determine maternity or paternity of a  
24          child; providing for assessment of costs of  
25          litigation; amending s. 39.801, F.S.; requiring notice

26 of a petition for termination of parental rights to be  
 27 served on an unmarried biological father identified  
 28 under oath or by a diligent search of the Florida  
 29 Putative Father Registry; providing conditions for  
 30 contesting the petition; conforming cross-references;  
 31 amending s. 63.092, F.S.; requiring the Department of  
 32 Children and Families to provide specified records to  
 33 entities conducting preliminary home studies; limiting  
 34 certain prospective parent preservice and inservice  
 35 training requirements to prospective adoptive parents  
 36 who adopt children from the department; 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  
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  
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

106 to 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

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  
 130 a 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~~ 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  
 146 which the child has resided or resides.

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

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

151 ~~l.h. Who~~ Whether a man has been determined to be the  
152 father of the child by the Department of Revenue as provided in  
153 s. 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) Notice of the petition for dependency shall be  
171 personally served upon any known and locatable unmarried  
172 biological father who is identified under oath before the court  
173 or who is identified by a diligent search of the Florida  
174 Putative Father Registry. Service of the notice of the petition  
175 for dependency is not required if the unmarried biological

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

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

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

190 2. File an action to legally establish his parental rights  
191 to the child pursuant to the laws of the state.

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

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

198 5. Seek to establish a substantial relationship with the  
199 child within the parameters established by court order. An  
200 unmarried biological father must develop a substantial



201 relationship with the child by taking parental responsibility  
202 for the child and the child's future; providing financial  
203 support to the child in accordance with his ability, if not  
204 prevented from doing so by the person or authorized agency  
205 having lawful custody of the child; and establishing or  
206 maintaining regular contact with the child in accordance with a  
207 written court order. An order for visitation or other contact  
208 may be entered by the court if the court determines that such  
209 contact will not endanger the safety, well-being, or physical,  
210 mental, or emotional health of the child. The court may consider  
211 the results of any home study in making such determination.

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

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

226 | the child is dependent.

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

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

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

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

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

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

251 (c) Who has adopted the child.

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

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

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

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

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

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

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

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

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

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

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

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

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

291        (5) If the inquiry under subsection (1) identifies a  
292 parent or prospective parent, and that person's location is  
293 unknown, the court shall direct the petitioner to conduct a  
294 diligent search for that person before scheduling a disposition  
295 hearing regarding the dependency of the child unless the court  
296 finds that the best interest of the child requires proceeding  
297 without notice to the person whose location is unknown.

298        (6) If the inquiry under subsection (1) identifies an  
299 unmarried biological father or an unmarried biological father is  
300 identified by another means and is personally served with a

301 petition for dependency but fails to assert his parental rights  
302 as specified in s. 39.502(7), the court shall so find and may  
303 proceed without further notice.

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

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

323 (9)(a)~~(8)~~ If the inquiry and diligent search identifies a  
324 prospective parent, that person must be given the opportunity to  
325 become a party to the proceedings by completing a sworn

326 affidavit of parenthood and filing it with the court or the  
327 department. A prospective parent who files a sworn affidavit of  
328 parenthood while the child is a dependent child but no later  
329 than at the time of or before the adjudicatory hearing in any  
330 termination of parental rights proceeding for the child shall be  
331 considered a parent for all purposes under this section unless  
332 the other parent contests the determination of parenthood. If  
333 neither the known parent nor the prospective parent objects to a  
334 request to establish parentage under the laws of the state, the  
335 court may enter an agreed order, order the Office of Vital  
336 Statistics to amend the child's birth certificate, and order the  
337 petitioning parent to pay support for the child.

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

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

351 parents, the prospective parent must seek to establish parentage  
352 pursuant to chapter 742.

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

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

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

374 (10)-(9) If the diligent search under subsection (5) fails  
375 to identify and locate a parent or prospective parent, the court

376 shall so find and may proceed without further notice.

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

379 39.801 Procedures and jurisdiction; notice; service of  
 380 process.—

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

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

- 389 1. The parents of the child.
- 390 2. The legal custodians of the child.
- 391 3. If the parents who would be entitled to notice are dead  
 392 or unknown, a living relative of the child, unless upon diligent  
 393 search and inquiry no such relative can be found.
- 394 4. Any person who has physical custody of the child.
- 395 5. Any grandparent entitled to priority for adoption under  
 396 s. 63.0425.
- 397 6. Any prospective parent who has been identified under s.  
 398 39.503 or s. 39.803, unless a court order has been entered  
 399 pursuant to s. 39.503(4), (6), or (10) or s. 39.803(4), (6), or  
 400 (10) ~~s. 39.503(4) or (9) or s. 39.803(4) or (9)~~ which indicates



401 no further notice is required. Except as otherwise provided in  
402 this section, if there is not a legal father, notice of the  
403 petition for termination of parental rights must be provided to  
404 any known prospective father who is identified under oath before  
405 the court or who is identified by a diligent search of the  
406 Florida Putative Father Registry. Service of the notice of the  
407 petition for termination of parental rights is not required if  
408 the prospective father executes an affidavit of nonpaternity or  
409 a consent to termination of his parental rights which is  
410 accepted by the court after notice and opportunity to be heard  
411 by all parties to address the best interests of the child in  
412 accepting such affidavit.

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

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

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

426        (b) Notice of the petition for termination of parental  
427 rights shall be personally served upon any known and locatable  
428 unmarried biological father who is identified under oath before  
429 the court or who is identified by a diligent search of the  
430 Florida Putative Father Registry. Service of the notice of the  
431 petition for termination of parental rights is not required if  
432 the unmarried biological father signs an affidavit of  
433 nonpaternity or a consent to termination of his parental rights  
434 and such affidavit or consent is accepted by the department. The  
435 recipient of the notice may waive service of process by  
436 executing a waiver and acknowledging receipt of the notice. The  
437 notice of petition for termination of parental rights must  
438 specifically state that if the unmarried biological father  
439 desires to assert his parental rights to acquire standing to  
440 contest the petition he must, within 30 days after service:

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

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

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

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

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

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

476 | the court.

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

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

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

494 |       (g)~~(d)~~ If the person served with notice under this section  
495 | fails to personally appear at the advisory hearing, the failure  
496 | to personally appear shall constitute consent for termination of  
497 | parental rights by the person given notice. If a parent appears  
498 | for the advisory hearing and the court orders that parent to  
499 | personally appear at the adjudicatory hearing for the petition  
500 | for termination of parental rights, stating the date, time, and

501 location of said hearing, then failure of that parent to  
502 personally appear at the adjudicatory hearing shall constitute  
503 consent for termination of parental rights.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

573        (6) If the inquiry under subsection (1) identifies an  
574 unmarried biological father or an unmarried biological father is  
575 identified by another means and is personally served with a

576 petition for termination of parental rights but fails to assert  
577 his parental rights as specified in s. 39.801(3)(b), the court  
578 shall so find and may proceed without further notice.

579 (7)~~(6)~~ The diligent search required by subsection (5) must  
580 include, at a minimum, inquiries of all known relatives of the  
581 parent or prospective parent, inquiries of all offices of  
582 program areas of the department likely to have information about  
583 the parent or prospective parent, inquiries of other state and  
584 federal agencies likely to have information about the parent or  
585 prospective parent, inquiries of appropriate utility and postal  
586 providers, a thorough search of at least one electronic database  
587 specifically designed for locating persons, a search of the  
588 Florida Putative Father Registry, and inquiries of appropriate  
589 law enforcement agencies. Pursuant to s. 453 of the Social  
590 Security Act, 42 U.S.C. s. 653(c)(4), the department, as the  
591 state agency administering Titles IV-B and IV-E of the act,  
592 shall be provided access to the federal and state parent locator  
593 service for diligent search activities.

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

598 (9)~~(8)~~ If the inquiry and diligent search identifies a  
599 prospective parent, that person must be given the opportunity to  
600 become a party to the proceedings by completing a sworn



601 affidavit of parenthood and filing it with the court or the  
602 department. A prospective parent who files a sworn affidavit of  
603 parenthood while the child is a dependent child but no later  
604 than at the time of or before the adjudicatory hearing in the  
605 termination of parental rights proceeding for the child shall be  
606 considered a parent for all purposes under this section.

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

610 Section 8. Subsection (3) of section 63.092, Florida  
611 Statutes, is amended to read:

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

614 (3) PRELIMINARY HOME STUDY.—Before placing the minor in  
615 the intended adoptive home, a preliminary home study must be  
616 performed by a licensed child-placing agency, a child-caring  
617 agency registered under s. 409.176, a licensed professional, or  
618 an agency described in s. 61.20(2), unless the adoptee is an  
619 adult or the petitioner is a stepparent or a relative. If the  
620 adoptee is an adult or the petitioner is a stepparent or a  
621 relative, a preliminary home study may be required by the court  
622 for good cause shown. The department is required to perform the  
623 preliminary home study only if there is no licensed child-  
624 placing agency, child-caring agency registered under s. 409.176,  
625 licensed professional, or agency described in s. 61.20(2), in

626 the county where the prospective adoptive parents reside. The  
627 preliminary home study must be made to determine the suitability  
628 of the intended adoptive parents and may be completed prior to  
629 identification of a prospective adoptive minor. A favorable  
630 preliminary home study is valid for 1 year after the date of its  
631 completion. Upon its completion, a signed copy of the home study  
632 must be provided to the intended adoptive parents who were the  
633 subject of the home study. A minor may not be placed in an  
634 intended adoptive home before a favorable preliminary home study  
635 is completed unless the adoptive home is also a licensed foster  
636 home under s. 409.175. The preliminary home study must include,  
637 at a minimum:

- 638 (a) An interview with the intended adoptive parents;
- 639 (b) Records checks of the department's central abuse  
640 registry, which the department shall provide to the entity  
641 conducting the preliminary home study, and criminal records  
642 correspondence checks under s. 39.0138 through the Department of  
643 Law Enforcement on the intended adoptive parents;
- 644 (c) An assessment of the physical environment of the home;
- 645 (d) A determination of the financial security of the  
646 intended adoptive parents;
- 647 (e) Documentation of counseling and education of the  
648 intended adoptive parents on adoptive parenting as determined by  
649 the entity conducting the preliminary home study. The training  
650 specified in s. 409.175(14) shall only be required for

651 prospective adoptive parents who adopt children from the  
652 department;

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

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

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

661  
662 If the preliminary home study is favorable, a minor may be  
663 placed in the home pending entry of the judgment of adoption. A  
664 minor may not be placed in the home if the preliminary home  
665 study is unfavorable. If the preliminary home study is  
666 unfavorable, the adoption entity may, within 20 days after  
667 receipt of a copy of the written recommendation, petition the  
668 court to determine the suitability of the intended adoptive  
669 home. A determination as to suitability under this subsection  
670 does not act as a presumption of suitability at the final  
671 hearing. In determining the suitability of the intended adoptive  
672 home, the court must consider the totality of the circumstances  
673 in the home. A minor may not be placed in a home in which there  
674 resides any person determined by the court to be a sexual  
675 predator as defined in s. 775.21 or to have been convicted of an

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676 | offense listed in s. 63.089(4)(b)2.

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