

FOR CONSIDERATION By the Committee on Children, Families, and Elder Affairs

586-01424-10

20107034

1 A bill to be entitled

2 An act relating to dependency proceedings; amending s.
3 63.082, F.S.; requiring an adoption entity to
4 intervene in certain dependency cases if a parent
5 executes a consent for placement of a child with the
6 adoption entity; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (6) of section 63.082, Florida
11 Statutes, is amended to read:

12 63.082 Execution of consent to adoption or affidavit of
13 nonpaternity; family social and medical history; withdrawal of
14 consent.—

15 (6) (a) If a parent executes a consent for placement of a
16 minor with an adoption entity or qualified prospective adoptive
17 parents and the minor child is in the custody of the department,
18 but parental rights have not yet been terminated, the adoption
19 consent is valid, binding, and enforceable by the court.

20 (b) Upon execution of the consent of the parent, the
21 adoption entity shall ~~may~~ intervene in the dependency case as a
22 party in interest and must provide the court having jurisdiction
23 over the minor, pursuant to the shelter or dependency petition
24 filed by the department, a copy of the preliminary home study of
25 the prospective adoptive parents and any other evidence of the
26 suitability of the placement. The preliminary home study must be
27 maintained with strictest confidentiality within the dependency
28 court file and the department's file. A preliminary home study
29 must be provided to the court in all cases in which an adoption

586-01424-10

20107034

30 entity has intervened pursuant to this section.

31 (c) Upon a determination by the court that the prospective
32 adoptive parents are properly qualified to adopt the minor child
33 and that the adoption appears to be in the best interest of the
34 minor child, the court shall immediately order the transfer of
35 custody of the minor child to the prospective adoptive parents,
36 under the supervision of the adoption entity. The adoption
37 entity shall thereafter provide monthly supervision reports to
38 the department until finalization of the adoption.

39 (d) In determining whether the best interest of the child
40 is served by transferring the custody of the minor child to the
41 prospective adoptive parent selected by the parent, the court
42 shall consider the rights of the parent to determine an
43 appropriate placement for the child, the permanency offered, the
44 child's bonding with any potential adoptive home that the child
45 has been residing in, and the importance of maintaining sibling
46 relationships, if possible.

47 Section 2. This act shall take effect July 1, 2010.