

CHAPTER 2018-45

House Bill No. 281

An act relating to incarcerated parents; creating s. 39.6021, F.S.; requiring the Department of Children and Families to obtain specified information from a facility where a parent is incarcerated under certain circumstances; providing an exception; requiring that a parent who is incarcerated be included in case planning and provided with a copy of the case plan; providing requirements for case plans; specifying that the incarcerated parent is responsible for complying with facility procedures and policies to access services or maintain contact with his or her children as provided in the case plan; requiring the parties to the case plan to move to amend the case plan if a parent becomes incarcerated after a case plan has been developed and the parent's incarceration has an impact on permanency for the child; requiring that the case plan include certain information if the incarcerated parent is released before it expires; requiring the department to include certain information in the case plan if the incarcerated parent does not participate in its preparation; providing construction; providing an effective date.

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

Section 1. Section 39.6021, Florida Statutes, is created to read:

39.6021 Case planning when parents are incarcerated or become incarcerated.—

(1) In a case in which the parent is incarcerated, the department shall obtain information from the facility where the parent is incarcerated to determine how the parent can participate in the preparation and completion of the case plan and receive the services that are available to the parent at the facility. This subsection does not apply if the department has determined that a case plan for reunification with the incarcerated parent will not be offered.

(2) A parent who is incarcerated must be included in case planning and must be provided a copy of any case plan that is developed.

(3) A case plan for a parent who is incarcerated must comply with ss. 39.6011 and 39.6012 to the extent possible, and must give consideration to the regulations of the facility where the parent is incarcerated and to services available at the facility. The department shall attach a list of services available at the facility to the case plan. If the facility does not have a list of available services, the department must note the unavailability of the list in the case plan.

(4) The incarcerated parent is responsible for complying with the facility's procedures and policies to access services or maintain contact with his or her children as provided in the case plan.

(5) If a parent becomes incarcerated after a case plan has been developed, the parties to the case plan must move to amend the case plan if the parent's incarceration has an impact on permanency for the child, including, but not limited to:

(a) Modification of provisions regarding visitation and contact with the child;

(b) Identification of services within the facility; or

(c) Changing the permanency goal or establishing a concurrent case plan goal.

(6) If an incarcerated parent is released before the case plan expires, the case plan must, if appropriate, include tasks that must be completed by the parent and services that must be accessed by the parent upon the parent's release.

(7) If the parent does not participate in preparation of the case plan, the department must include in the case plan a full explanation of the circumstances surrounding his or her nonparticipation and must state the nature of the department's efforts to secure the incarcerated parent's participation.

(8) This section does not prohibit the department or the court from revising a permanency goal after a parent becomes incarcerated or from determining that a case plan with a goal of reunification may not be offered to a parent. This section may not be interpreted as creating additional obligations for a facility which do not exist in the statutes or regulations governing that facility.

Section 2. This act shall take effect July 1, 2018.

Approved by the Governor March 21, 2018.

Filed in Office Secretary of State March 21, 2018.