

CHAPTER 98-50

Committee Substitute for House Bill No. 585

An act relating to adoption of foster children; amending s. 39.469, F.S.; allowing communication or contact with siblings after termination of parental rights; amending s. 63.022(2), F.S.; providing legislative intent for continuing sibling contact; creating s. 63.0427, F.S.; providing for an adopted minor's right to continued communication or contact with siblings; providing an effective date.

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

Section 1. Subsection (7) of section 39.469, Florida Statutes, is amended to read:

39.469 Powers of disposition; order of disposition.—

(7) If the court terminates parental rights, it may, as appropriate, order that the parents, siblings, or relatives of the parent whose rights are terminated be allowed to maintain some communication or contact with the child pending adoption if the best interests of the child support this continued communication or contact. If the court orders such continued communication or contact, which may include but is not limited to, visits, letters, and cards or telephone calls the nature and frequency of the communication or contact must be set forth in written order and may be reviewed upon motion of any party, including, for purposes of this subsection, an identified a prospective adoptive parent ~~if a child has been placed for adoption~~. If a child is placed for adoption, the nature and frequency of the communication or contact must be reviewed by the court at the time the child is adopted.

Section 2. Paragraph (m) is added to subsection (2) of section 63.022, Florida Statutes, 1996 Supplement, to read:

63.022 Legislative intent.—

(2) The basic safeguards intended to be provided by this act are that:

(m) In dependency cases initiated by the department, where termination of parental rights occurs, and siblings are separated despite diligent efforts of the department, continuing post-adoption communication or contact among the siblings may be ordered by the court if found to be in the best interests of the children.

Section 3. Section 63.0427, Florida Statutes, is created to read:

63.0427 Adopted minor's right to continued communication or contact with siblings.—

(1) A child whose parents have had their parental rights terminated and whose custody has been awarded to the department pursuant to s. 39.469, and who is the subject of a petition for adoption under this chapter, shall

have the right to have the court consider the appropriateness of post-adoption communication or contact, including, but not limited to, visits, letters and cards, or telephone calls, with his or her siblings who are not included in the petition for adoption. The court shall determine if the best interests of the child support such continued communication or contact and shall consider the following in making such determination:

- (a) Any orders of the court pursuant to s. 39.469(7).
- (b) Recommendations of the department, the foster parents if other than the adoptive parents, and the guardian ad litem.
- (c) Statements of prospective adoptive parents.
- (d) Any other information deemed relevant and material by the court.

If the court determines that the child's best interests will be served by post-adoption communication or contact with any sibling, the court shall so order, stating the nature and frequency for the communication or contact. This order shall be made a part of the final adoption order, but in no event shall continuing validity of the adoption be contingent upon such post-adoption communication or contact, nor shall the ability of the adoptive parents and child to change residence within or outside the State of Florida be impaired by such communication or contact.

(2) Notwithstanding the provisions of s. 63.162, the adoptive parent may petition for review at any time of sibling communication or contact ordered pursuant to subsection (1), if the adoptive parent believes that the best interests of the adopted child are being compromised, and the court shall have authority to order the communication or contact to be terminated, or to order such conditions in regard to communication or contact as the court deems to be in the best interests of the adopted child. As part of the review process, the court may order the parties to engage in mediation. The department shall not be required to be a party to such review.

Section 4. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 14, 1998.

Filed in Office Secretary of State May 13, 1998.