



Series 100: Case Management
Policy Name: **Grandparents and Other Relatives Voice Act**
Grandparents Rights
Policy Number: 125
Origination Date: 11/1/2013 **Revision Date:** 07/01/2018

Regulation: HB 381 Zahid Jones Act, Florida Statute 39.509

Policy: Grandparents and other relatives caring for children involved in the child protection process are ensured an increased opportunity to participate in proceedings and hearings related to those children.

Procedure: Actions required for protective investigators:

1. A child protective investigator (CPI) must:
 - Provide contact information to the reporter of a hotline call within 24 hours of being assigned to an investigation; and,
 - Inform a reporter that he or she may provide a written summary of their allegations to the investigator for inclusion in the master file.

If attempts to meet this requirement are unsuccessful, contact information must be provided to the reporter upon earliest contact. It is essential to document fulfillment of this requirement in FSFN to ensure readily accessible communication channels between both the investigator and reporter.

2. A CPI must obtain collateral contact information from a relative if a family is offered but refuses services, if the CPI has knowledge of, and the ability, to contact a relative.

FAC 65C-29-003 (3) (m) specifies that when services are refused, the investigator must either take the child into protective custody or file a dependency petition if deemed necessary to protect the child.

3. Any photographs or reports on examinations made or x-rays taken pursuant to section to section 39.304, F.S. shall be preserved in permanent form in records held. A means for ensuring the extended maintenance of all dependency records, including medical content and related documents, until a child who received services reaches 30 years of age.
4. A relative may submit a request in writing to the CPI or case manager to receive notification of all proceedings and hearings. The request must include the relative's name, address, phone number and relationship to the child. The CPI or case manger must forward the request for notification to the attorney for the department.
5. The Case Plan must include a task for the case manager to forward the relative's request to the Children's legal Services attorney. Prior to submitting a Case Plan to the court for approval, the CPI or case manager



who received a written request for notification of proceedings and hearings must make certain that such request is forwarded accordingly for inclusion in the case plan.

6. The Children's Legal Services attorney shall notify the relative of all of all hearings either in writing or orally and shall inform the relative that he or she has the right to attend all subsequent hearings, submit written reports to the court and speak to the court regarding the child (F.S.39.502). The court may release the attorney from this obligation if the relative's involvement is impeding the dependency process or determined detrimental to the child's well-being. At shelter, the court must notify the parents, legal custodian, and relatives providing out-of-home care of the importance of their active participation.

Grandparents Rights (39.509)

Notwithstanding any other provision of law, a maternal or paternal grandparent as well as a stepgrandparent is entitled to reasonable visitation with his or her grandchild who has been adjudicated a dependent child and taken from the physical custody of the parent unless the court finds that such visitation is not in the best interest of the child or that such visitation would interfere with the goals of the case plan. Reasonable visitation may be unsupervised and, where appropriate and feasible, may be frequent and continuing. Any order for visitation or other contact must conform to the provisions of s. 39.0139.

1. Grandparent visitation may take place in the home of the grandparent unless there is a compelling reason for denying such a visitation. The department's caseworker shall arrange the visitation to which a grandparent is entitled pursuant to this section. The state shall not charge a fee for any costs associated with arranging the visitation. However, the grandparent shall pay for the child's cost of transportation when the visitation is to take place in the grandparent's home. The caseworker shall document the reasons for any decision to restrict a grandparent's visitation.
2. A grandparent entitled to visitation pursuant to this section shall not be restricted from appropriate displays of affection to the child, such as appropriately hugging or kissing his or her grandchild. Gifts, cards, and letters from the grandparent and other family members shall not be denied to a child who has been adjudicated a dependent child.
3. Any attempt by a grandparent to facilitate a meeting between the child who has been adjudicated a dependent child and the child's parent or legal custodian, or any other person in violation of a court order shall automatically terminate future visitation rights of the grandparent.
4. When the child has been returned to the physical custody of his or her parent, the visitation rights granted pursuant to this section shall terminate.
5. The termination of parental rights does not affect the rights of grandparents unless the court finds that such visitation is not in the best interest of the child or that such visitation would interfere with the goals of permanency planning for the child.
6. In determining whether grandparental visitation is not in the child's best interest, consideration may be given to the following:



- (a) The finding of guilt, regardless of adjudication, or entry or plea of guilty or nolo contendere to charges under the following statutes, or similar statutes of other jurisdictions: s. 787.04, relating to removing minors from the state or concealing minors contrary to court order; s. 794.011, relating to sexual battery; s. 798.02, relating to lewd and lascivious behavior; chapter 800, relating to lewdness and indecent exposure; s. 826.04, relating to incest; or chapter 827, relating to the abuse of children.
- (b) The designation by a court as a sexual predator as defined in s. 775.21 or a substantially similar designation under laws of another jurisdiction.
- (c) A report of abuse, abandonment, or neglect under ss. 415.101-415.113 or this chapter and the outcome of the investigation concerning such report.

Adoptive Family Selection (65C-16.002)

A grandparent who is entitled to notice pursuant to Section 63.0425, F.S., must be afforded the opportunity to have a home study completed and to petition for adoption. If grandparents apply to adopt, prior to a Memorandum of Agreement to Adopt being signed by another applicant, the application must be evaluated through an adoptive home study.

Approved: Carol Deloach
Carol Deloach, CEO 7-9-18