

1989

Session Law 89-038

Florida Senate & House of Representatives

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H 1103 GENERAL BILL by Health & Rehabilitative Services; Press; Davis; Graber (Identical S 677)
Child Custody/Social Investigation; provides circumstances under which court may order social investigation & study in proceeding involving child custody; requires study be provided to specified parties; specifies use of study by court; delineates agencies & persons authorized to perform such investigation & study; provides for certification of indigence; provides for payment of study as costs.
Amends 61.20. Effective Date: 06/01/89.

03/21/89	HOUSE	Prefiled
03/24/89	HOUSE	Referred to Appropriations
04/03/89	HOUSE	Subreferred to Subcommittee on Health and Rehabilitative Services
04/04/89	HOUSE	Introduced, referred to Appropriations -HJ 104; Subreferred to Subcommittee on Health and Rehabilitative Services
04/11/89	HOUSE	Withdrawn from Appropriations -HJ 192; Placed on Calendar
04/19/89	HOUSE	Placed on Special Order Calendar; Read second time -HJ 242
04/25/89	HOUSE	Read third time; Passed; YEAS 116 NAYS 1 -HJ 262
04/27/89	SENATE	In Messages
05/05/89	SENATE	Received, referred to Health and Rehabilitative Services; Judiciary-Civil -SJ 270
05/12/89	SENATE	Extension of time granted Committee Health and Rehabilitative Services
05/16/89	SENATE	Withdrawn from Health and Rehabilitative Services; Judiciary-Civil; Substituted for SB 677; Passed; YEAS 38 NAYS 0 -SJ 373
05/18/89		Ordered enrolled
05/25/89		Signed by Officers and presented to Governor -HJ 657
06/01/89		Approved by Governor; Chapter No. <u>89-38</u> -HJ 1123

NOTES: Above bill history from Division of Legislative Information's **FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS**. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME: H1103f.HRS\bb\tc
DATE: June 5, 1989

**HOUSE OF REPRESENTATIVES
COMMITTEE ON HEALTH & REHABILITATIVE SERVICES
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1103
RELATING TO: Child Custody
SPONSOR(S): House HRS Committee
EFFECTIVE DATE: Upon becoming law
DATE BECAME LAW: June 1, 1989
CHAPTER #: 89-38, Laws of Florida
COMPANION BILL(S): SB 677 (I)
OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2)

I. SUMMARY:

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A. PRESENT SITUATION:

In any action under Florida Statute, Chapter 61, where custody of a child is in issue, the court, pursuant to s. 61.20, F.S., may order the Department of Health and Rehabilitative Services (HRS) or qualified staff of the court to make an investigation and social study concerning all pertinent details relating to the child and each parent. The department's Adoption and Related Services counselors are responsible for conducting divorce custody studies when ordered by the court. The department is authorized under this section to collect fees for this service based on the parties ability to pay. In FY 87/88, the department conducted 1,027 divorce custody studies. This represented 26,702 hours of staff work or the equivalent of 15 counselor positions. The department has collected \$7,723 in fees for the studies conducted from July 1, 1988 to December 31, 1988 of this fiscal year.

B. EFFECT OF PROPOSED CHANGES:

House Bill 1103 amends s. 61.20, F.S., to allow the court to choose from alternative providers, e.g., child-placing agency, psychologist, marriage therapist, counselor, to conduct the divorce custody study. The adult parties involved are responsible for payment of the cost of the study. The only time the court may order the department to conduct the divorce custody study is when the person is indigent and when the court does not have qualified staff to conduct the study. The divorce custody study

for indigents is to be done at no cost to the parties.

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Substantially rewords existing language in s. 61.20, F.S., making the following changes:

- When no study has been done or when the study has been determined by the court to be insufficient, allows the court to order an investigation and social study to assist in decision regarding the custody of a child.
- Allows the court to choose from alternative providers to conduct the divorce custody study.
- Requires adult parties involved in the proceeding to be responsible for payment of the cost of the study, except for cases where a certification of indigence based on affidavit filed with the court has been provided.
- Allows the court to order the department to conduct the divorce custody study when the person is indigent and when the court does not have qualified staff to conduct the study.

Section 2. Effective date upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

Positive fiscal impact -- see comments.

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

Positive fiscal impact -- see comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

2. Direct Private Sector Benefits:

Providers with the capability of conducting investigations and home studies would benefit from the opportunity to provide this service to the court.

3. Effects on Competition, Private Enterprise, and Employment Markets:

See comments under Direct Private Sector Benefits listed above.

D. FISCAL COMMENTS:

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III. LONG RANGE CONSEQUENCES:

As a result of conducting divorce custody investigations and studies for the court, the department must shift resources away from finding adoptive homes for special needs children waiting to be adopted. If adopted this bill should ease the demand on the department for this service and allow them to concentrate on finding adoptive homes for special needs children. If no changes are made to the requirements in s. 61.20, F.S., HRS estimates it will need an additional 15 counselors to conduct divorce custody studies. HRS also estimates that an additional 70-100 children could be placed in adoptive homes if there was a dramatic decrease in investigations and studies conducted.

This bill is congruent with the following goals and policy objectives as delineated in Chapter 187.

13. Encourage joint venture solutions to mutual problems between levels of government and private enterprise.

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IV. COMMENTS:

This bill is congruent with the 1989-90 Legislative Issues Conference concerning the strategies to improve the effectiveness and efficiency of government.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE.

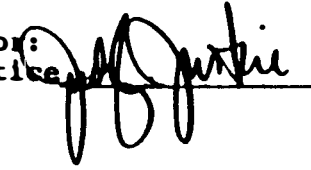
Prepared by:

Bob Barrios/tc



Staff Director:

Judy C. Justice



SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Knopf <i>PK</i>	Whiddon <i>WJ</i>	1. HRS	Favorable
2. _____	_____	2. JCI	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT: Child Custody Studies

BILL NO. AND SPONSOR: SB 677 by Senators Weinstock, Davis and Ros-Lehtinen

I. SUMMARY:

A. Present Situation:

Chapter 61, Florida Statutes, addresses the dissolution of marriage, support arrangements and custody of children. Pursuant to section 61.20, Florida Statutes, when the custody of a child is in issue, the court may request the Department of Health and Rehabilitative Services (HRS) or qualified staff of the court to make an investigation and social study concerning all pertinent details relating to the child and each parent. The department's Adoption and Related Services counselors are responsible for conducting the court ordered child custody studies.

Pursuant to section 61.20(2) and (3), Florida Statutes, the department shall, upon submission of its report to the court, bill for its services and develop a fee schedule based on the reasonable cost for providing the service and the parties' ability to pay. In FY 1987-88, the department conducted 1,027 child custody studies. A total of 26,702 hours of staff work (the equivalent of 15 counselor positions) were spent on the studies. The department collected \$7,723 in fees for the studies conducted from July 1, 1988 to December 31, 1988 of this fiscal year.

B. Effect of Proposed Changes:

Senate Bill 677 amends section 61.20, Florida Statutes, to allow the court to order a social investigation relating to the child or each parent where the custody of a child is in issue when either the study has not been performed or is determined to be inadequate. The court ordered study shall be conducted by a licensed child-placing agency; a licensed psychologist; or a licensed clinical social worker, marriage and family therapist, or mental health counselor. Only when an adult party provides a certificate of indigence and the court has no qualified staff to perform the investigation may the court request that HRS conduct the investigation or study.

Unless an adult party is certified as an indigent, the adult parties involved in the child custody proceeding shall be responsible for the costs of the investigation or study. The study, upon submission to the court by the agency, staff or person shall include a bill for services to be paid as costs in the court proceeding.

II. ECONOMIC IMPACT AND FISCAL NOTE:**A. Public:**

The providers with the capability of conducting investigations and studies will benefit from the receipt of fees and the opportunity to provide this service to the court.

B. Government:

Relieving HRS of much of its responsibility to conduct child custody studies should result in a cost savings by freeing up staff to concentrate on other department responsibilities.

III. COMMENTS:

The result of the department's child custody investigations and social studies for the court is a shift of resources away from finding adoptive homes for special needs children. The passage of this bill should ease the demand on the department for this service and allow them to concentrate on finding adoptive homes for special needs children. HRS estimates that an additional 70-100 children could be placed in adoptive homes with the passage of this bill.

IV. AMENDMENTS:

None.