

By Representative Peaden

1                                   A bill to be entitled  
2           An act relating to access to the courts for  
3           vulnerable elders; providing legislative  
4           findings and intent; defining the term "elder";  
5           requesting the Judicial Management Council or  
6           another court committee to evaluate the  
7           accessibility of the courts to elders and make  
8           recommendations to improve the responsiveness  
9           of the courts; providing an effective date.  
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11 Be It Enacted by the Legislature of the State of Florida:  
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13           Section 1. Elder courts.--  
14           (1)(a) The Legislature recognizes that:  
15           1. There is continuous rapid growth in this state's  
16 elderly population;  
17           2. There are many persons in this state who suffer  
18 from the infirmities of aging; and  
19           3. Infirmities of aging may be manifested by physical,  
20 mental, or emotional dysfunction to the extent that a person  
21 may be impaired in the ability to adequately provide for or  
22 secure his or her own care, protection, rights, or access to  
23 the courts.  
24           (b) The Legislature recognizes the January 1, 1994,  
25 Action Plan of the Supreme Court of Florida Committee on  
26 Court-Related Needs of the Elderly and Persons with  
27 Disabilities, which recommends a review of court policies and  
28 procedures affecting the elderly and persons with  
29 disabilities. The Legislature also recognizes the  
30 recommendations of:  
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1           1. The Task Force on Seniors in the Courts, of the Ad  
2 Hoc Committee on Agency/Court Related Senior Citizens Issues,  
3 Seniors, Cook County (Illinois) Circuit Court project as  
4 presented in its 1990 concept paper "A Proposal to Ensure Cook  
5 County Seniors Equal Opportunity for Justice";

6           2. The American Bar Association Recommendations on  
7 Court-Related Needs of the Elderly and Persons with  
8 Disabilities (1991);

9           3. The American Bar Association Commission on Legal  
10 Problems of the Elderly State Justice Institute's "Recommended  
11 Guidelines for State Courts Handling Cases Involving Elder  
12 Abuse."

13           (c) The Legislature finds that the need to provide the  
14 state's vulnerable elders with access to the justice system is  
15 particularly acute. Despite the implementation of pro bono  
16 legal services plans, and of family and other specialized  
17 divisions, there could be additional ways to improve the  
18 responsiveness of the courts to the needs of elders. The  
19 Legislature further finds than many persons, because of age,  
20 are targeted as victims of criminal activities and that, in  
21 order to afford them a meaningful and timely opportunity for  
22 justice, they must be provided a forum for resolution, as well  
23 as therapeutic intervention on an expedited basis. Many of  
24 the legal problems of vulnerable elders cannot be adequately  
25 addressed without the provision of social services. It is  
26 further the recommendation of the Legislature that the  
27 judiciary assume a leadership role in removing barriers and  
28 enhancing linkages between elders and the courts and  
29 prospective social and legal services in the state, with  
30 special emphasis on those elders vulnerable to abuse, neglect,  
31 and exploitation.

1           (2) For the purposes of this section, the term "elder"  
2 means a person who is 60 years of age or older and who suffers  
3 from infirmities of aging, as manifested by physical, mental,  
4 or emotional dysfunction to the extent that the ability of the  
5 person to adequately provide for or secure his or her own  
6 care, protection, rights, or access to the courts is impaired.

7           (3) In accordance with Rule 2.125(a)(1)(B)(iii), Rules  
8 of Judicial Administration, the Florida Legislature requests  
9 that the Judicial Management Council or other court committee  
10 evaluate the manner in which the courts process and handle  
11 cases in which an elder is a party.

12           (a) Such review should include consideration of, and,  
13 when appropriate, recommendations on: court organization and  
14 procedures; court staffing, support services, and other  
15 resources; the availability of alternative dispute resolution;  
16 additional judicial and court personnel training; and public  
17 education needs. The review should identify the  
18 implementation requirements for any recommendations, including  
19 fiscal impact, and provide any other necessary information.

20           (b) In evaluating the court-related needs of elders  
21 and how court organization and procedures affect those needs,  
22 the designated court committee and the Office of the State  
23 Courts Administrator are encouraged to coordinate with  
24 court-related agencies, executive branch agencies, and  
25 private-sector organizations that have expertise in elder  
26 issues.

27           (c) The designated court committee is requested to  
28 submit a report of its findings to the Chief Justice of the  
29 Supreme Court, the Governor, the President of the Senate, the  
30 Speaker of the House of Representatives, and the Minority  
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1 Leaders of the Senate and the House of Representatives no  
2 later than December 1, 1999.

3 (d) The Office of the State Courts Administrator shall  
4 provide staff to the designated court committee in furtherance  
5 of this review, along with all necessary data collection,  
6 analysis, research, and support services.

7 Section 2. This act shall take effect July 1, 1997.

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SENATE SUMMARY

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Requests the Judicial Management Council or another court  
committee to review the manner in which the courts  
process and handle cases in which an elderly person is a  
party and recommend any changes that should be  
implemented.

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