

By Senator Diaz-Balart

37-798-00

1 A bill to be entitled
2 An act relating to the representation of
3 dependent children; providing legislative
4 intent with respect to providing competent
5 legal representation for children in state
6 custody; requiring that the Statewide Public
7 Guardianship Office within the Department of
8 Elderly Affairs create a pilot Attorney Ad
9 Litem Program in specified counties;
10 authorizing the office to adopt rules to
11 administer the pilot program; authorizing the
12 office to contract with a private entity to
13 operate the pilot program; providing for the
14 pilot program to operate independently of other
15 state agencies responsible for the care of
16 children in state custody; providing for
17 administration of the program; requiring that
18 the Statewide Public Guardianship Office
19 develop a training program for attorneys ad
20 litem; requiring that the Department of
21 Children and Family Services notify the pilot
22 program administrator after taking a child into
23 custody; providing for designating an attorney
24 ad litem to represent the child; requiring the
25 Statewide Public Guardianship Office to make
26 annual reports to the Legislature; requesting
27 that the Supreme Court adopt rules of juvenile
28 procedure; providing for funding the pilot
29 program; providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Pilot program for attorneys ad litem for
2 dependent children.--

3 (1) LEGISLATIVE INTENT.--In furtherance of the goals
4 set forth in section 39.4085, Florida Statutes, it is the
5 intent of the Legislature that children who are taken into
6 temporary legal and physical custody by the Department of
7 Children and Family Services receive competent legal
8 representation.

9 (2) RESPONSIBILITIES.--

10 (a) The Statewide Public Guardianship Office within
11 the Department of Elderly Affairs shall establish a 3-year
12 pilot Attorney Ad Litem Program in Broward, Escambia, and
13 Sarasota Counties. The Statewide Public Guardianship Office
14 shall adopt rules to administer the pilot program.

15 (b) The Statewide Public Guardianship Office shall
16 establish the three pilot programs by October 1, 2000. The
17 office may contract with a private entity to establish a pilot
18 program. The private entity must have appropriate expertise in
19 representing the rights of children taken into custody by the
20 Department of Children and Family Services. The office shall
21 identify measurable outcomes, including, but not limited to,
22 the impact of counsel on child safety, improvements in the
23 provision of appropriate services, and any reduction in the
24 length of stay of children in state care. The pilot programs
25 shall be established and operate independently of any other
26 state agency responsible for the care of children taken into
27 custody.

28 (c) The Statewide Public Guardianship Office shall
29 designate an attorney within each of the three counties to
30 conduct the administrative oversight of the pilot program
31 within that county. The attorney must be a member in good

1 standing of The Florida Bar and must have 5 or more years of
2 experience in the area of child advocacy, child welfare, or
3 juvenile law. The administrative oversight of each pilot
4 program is subject to supervision by the office.

5 (d) The Statewide Public Guardianship Office shall
6 develop a training program for attorneys ad litem which
7 includes, but need not be limited to, appropriate standards of
8 practice for attorneys who represent children.

9 (e) Within funds specifically appropriated for this
10 pilot program, the Statewide Public Guardianship Office may
11 establish the number of attorneys needed to serve as attorneys
12 ad litem and may employ attorneys and other personnel. An
13 attorney ad litem must be a member in good standing of The
14 Florida Bar and may not serve as an attorney ad litem until he
15 or she has completed the training program.

16 (f) When the Department of Children and Family
17 Services takes a child into custody under part V of chapter
18 39, Florida Statutes, in any of the three counties in which a
19 pilot program is established, the department shall immediately
20 notify, before the shelter proceeding, the pilot program
21 administrator for the county. The department shall provide to
22 the administrator, at a minimum, the name of the child, the
23 location and placement of the child, the name of the
24 department's authorized agent and contact information, copies
25 of all notices sent to the parent or legal custodian of the
26 child, and other information or records concerning the child.

27 (g) Upon notification by the Department of Children
28 and Family Services, the pilot program administrator shall
29 designate an attorney ad litem to represent the child. Once
30 designated, the attorney ad litem shall represent the child
31 solely for purposes of proceedings under chapter 39, Florida

1 Statutes, until the court terminates its jurisdiction of the
2 child.

3 (h) The Statewide Public Guardianship Office, in
4 conjunction with the three pilot programs, shall conduct
5 research and gather statistical information to evaluate the
6 establishment, operation, and impact of the pilot programs in
7 meeting the legal needs of dependent children. The office
8 shall submit a report to the Legislature by October 1, 2001,
9 and by October 1, 2002, regarding its findings. The office
10 shall submit a final report by October 1, 2003, which must
11 include an evaluation of the pilot programs; findings on the
12 feasibility of a statewide program; and recommendations, if
13 any, for locating, establishing, and operating a statewide
14 program.

15 (3) STANDARDS.--The Supreme Court is requested, by
16 October 1, 2000, to adopt rules of juvenile procedure which
17 include the duties, responsibilities, and conduct of an
18 attorney ad litem, and which are consistent with the Standards
19 of Practice for Lawyers Who Represent Children in Abuse and
20 Neglect Cases of the American Bar Association.

21 (4) FUNDING.--Each respective pilot program in Broward
22 County, Escambia County, and Sarasota County shall receive an
23 appropriation to be used solely to establish and operate the
24 pilot program. Each appointed attorney ad litem shall be paid
25 from funds appropriated for the pilot programs to the
26 Statewide Public Guardianship Office.

27 Section 2. This act shall take effect upon becoming a
28 law.

29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Creates the pilot Attorney Ad Litem Program in three counties of the state to provide legal representation for dependent children in state custody. Provides for the Statewide Public Guardianship Office within the Department of Elderly Affairs to adopt rules and appoint program administrators. Requires that the office develop a training program for attorneys ad litem. Requires the Department of Children and Family Services to notify the pilot program administrator after taking a child into custody. Requires that the Statewide Public Guardianship Office evaluate the pilot programs and make annual reports to the Legislature. (See bill for details.)