

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Family Law & Children offered the following:

Amendment (with title amendment)

remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

(1) LEGISLATIVE INTENT.-- In furtherance of the goals set forth in section 39.4085, Florida Statutes, it is the intent of the Legislature that children who are maintained in out-of-home care by court order under s. 39.402 receive competent legal representation.

(2) RESPONSIBILITIES.--

(a) The Statewide Public Guardianship Office shall establish a 3-year pilot Attorney Ad Litem Program in Broward, Escambia, and Sarasota Counties. The Statewide Public Guardianship Office shall adopt rules to administer the pilot program.

(b) The Statewide Public Guardianship Office shall establish the three pilot programs by October 1, 2000. The

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1 office may contract with a private or public entity in each
2 county to establish a pilot program. The private or public
3 entity must have appropriate expertise in representing the
4 rights of children taken into custody by the Department of
5 Children and Family Services. The Statewide Office of Public
6 Guardianship or a private or public entity shall identify
7 measurable outcomes, including, but not limited to, the impact
8 of counsel on child safety, improvements in the provision of
9 appropriate services, and any reduction in the length of stay
10 of children in state care. The pilot programs shall be
11 established and operate independently of any other state
12 agency responsible for the care of children taken into
13 custody.

14 (c) The Statewide Public Guardianship Office or the
15 private or public entity under contract with the office shall
16 designate an attorney within each of the three counties to
17 conduct the administrative oversight of the pilot program
18 within that county. The program administrator must be a
19 member in good standing of The Florida Bar and must have 5 or
20 more years of experience in the area of child advocacy, child
21 welfare, or juvenile law. The administrative oversight of
22 each pilot program is subject to supervision by the office.

23 (d) The Statewide Public Guardianship Office in
24 conjunction with each pilot program shall develop a training
25 program for attorneys ad litem which includes, but need not be
26 limited to, appropriate standards of practice for attorneys
27 who represent children.

28 (e) Within funds specifically appropriated for this
29 pilot program, the Statewide Public Guardianship Office in
30 conjunction with each pilot program shall design an
31 appropriate attorney ad litem program in each county and may

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1 establish the number of attorneys needed to serve as attorneys
2 ad litem and may employ attorneys and other personnel. An
3 attorney ad litem must be a member in good standing of The
4 Florida Bar and may not serve as an attorney ad litem until he
5 or she has completed the training program.

6 (f) The court shall appoint the Statewide Public
7 Guardianship Office or the entity under contract with the
8 office to represent any child who is continued in out-of-home
9 care at the shelter hearing conducted under section 39.402, if
10 the court deems attorney ad litem representation is necessary.
11 At any time following the shelter hearing, the court may
12 appoint an attorney ad litem upon the motion of any party, or
13 upon the court's own motion if an attorney ad litem has not
14 yet been appointed and the court deems such representation
15 necessary. At the time of the appointment of the attorney ad
16 litem, the court shall also appoint a guardian ad litem to
17 represent the child's best interests. Once the court orders
18 the appointment of an attorney ad litem, The Department of
19 Children and Family Services shall provide to the pilot
20 program administrator for the Statewide Public Guardianship
21 Office in the respective county, at a minimum, the name of the
22 child, the location and placement of the child, the name of
23 the department's authorized agent and contact information,
24 copies of all notices sent to the parents or legal custodians
25 of the child, and any other information or records pertaining
26 to the child.

27 (g) Upon notification by the court, the pilot program
28 administrator for the Statewide Public Guardianship Office in
29 the respective county shall designate an attorney ad litem to
30 represent the child's wishes. Once designated, an attorney ad
31 litem shall represent a child for the sole purpose of any

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1 proceeding pursuant to chapter 39, until the program is
2 discharged by order of the court because permanency has been
3 achieved or the court believes that the attorney ad litem is
4 no longer necessary.

5 (h) The Office of the State Courts Administrator in
6 conjunction with the pilot program, shall conduct research and
7 gather statistical information to evaluate the establishment,
8 operation, and impact of the pilot programs in meeting the
9 legal needs of dependent children. The office shall submit an
10 annual report to the Legislature by October 1, 2001, and by
11 October 1, 2002, regarding its findings. The office shall
12 submit a final report by October 1, 2003, which shall include
13 its evaluation of the pilot program, findings on the
14 feasibility of a proposed statewide program, and
15 recommendations, if any, for the establishment, operation, and
16 location of a statewide program.

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

23 Section 2. There is hereby appropriated from the
24 General Revenue Fund to the Statewide Public Guardianship
25 Office an amount sufficient to establish and operate the pilot
26 program as described in s. 39.4095, Florida Statutes, in
27 Broward, Escambia, and Sarasota Counties. General Revenue
28 funds shall also be appropriated to the Office of the State
29 Courts Administrator to ensure best interests representation
30 by the Guardian ad Litem Program in the three pilot counties,
31 and to conduct the evaluation of the pilot programs. Each

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1 appointed attorney ad litem shall be paid from funds
2 appropriated to the Statewide Public Guardianship Office for
3 this pilot program.

4 Section 3. This act shall take effect upon becoming
5 a law.

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8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 On page 1, line 20, after the word "litem" ,

11
12 and insert:

13 if the court deems such representation
14 necessary

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