

By Representative Detert

1 A bill to be entitled
 2 An act relating to dependent children;
 3 providing for the establishment of a pilot
 4 program for the representation of dependent
 5 children; creating s. 39.4095, F.S.; providing
 6 legislative intent; providing for the
 7 establishment of a pilot attorney ad litem
 8 program within the Statewide Public
 9 Guardianship Office; providing responsibilities
 10 for the office; directing the Department of
 11 Children and Family Services to provide notice
 12 and information to program administrators;
 13 providing for annual and final reports to the
 14 Legislature; requesting the Supreme Court to
 15 adopt rules; providing for an appropriation;
 16 providing an effective date.

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 18 Be It Enacted by the Legislature of the State of Florida:

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 20 Section 1. Section 39.4095, Florida Statutes, is
 21 created to read:

22 39.4095 Pilot program for attorneys ad litem for
 23 dependent children.--

24 (1) LEGISLATIVE INTENT.--In furtherance of the goals
 25 set forth in s. 39.4085, it is the intent of the Legislature
 26 that children who are taken into temporary legal and physical
 27 custody of the Department of Children and Family Services
 28 receive competent legal representation.

29 (2) RESPONSIBILITIES.--

30 (a) The Legislature directs the Statewide Public
 31 Guardianship Office within the Department of Elderly Affairs

1 to adopt rules and procedures for the establishment of a
2 3-year pilot "Attorney Ad Litem Program" in Broward, Escambia,
3 and Sarasota Counties.

4 (b) The Statewide Public Guardianship Office shall
5 establish the pilot program by October 1, 2000. The office may
6 contract with a private entity to establish the pilot program.
7 The private entity must have appropriate expertise in
8 representing the rights of children taken into custody by the
9 Department of Children and Family Services. The office shall
10 identify measurable outcomes, including, but not limited to,
11 the impact of counsel on child safety, improvements in the
12 provision of appropriate services, and the reduction of the
13 length of stay of children in state care. The pilot program
14 shall be established and operate independently of any other
15 state agency responsible for the care of children taken into
16 custody.

17 (c) The administrative oversight of the pilot program,
18 within each county, shall be conducted by an attorney
19 designated by the Statewide Public Guardianship Office. The
20 attorney must be a member in good standing of The Florida Bar,
21 and must have 5 or more years of experience in the area of
22 child advocacy, child welfare, or juvenile law. The
23 administrative oversight of the pilot program in each county
24 shall be subject to the supervision of the office.

25 (d) The Statewide Public Guardianship Office shall
26 develop an attorney ad litem training program to include, but
27 not be limited to, appropriate standards of practice for
28 attorneys representing children.

29 (e) Within funds specifically appropriated for this
30 pilot program, the Statewide Public Guardianship Office is
31 authorized to employ and establish the number of attorneys to

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

6 (f) The Department of Children and Family Services
7 shall immediately notify, prior to the shelter proceeding, the
8 pilot program administrator for the Statewide Public
9 Guardianship Office in the respective county that the
10 department has taken a child into custody pursuant to part V
11 of chapter 39. The department shall provide to the
12 administrator, at a minimum, the name of the child, the
13 location and placement of the child, the name of the
14 department's authorized agent and contact information, copies
15 of all notices sent to the parents or legal custodians of the
16 child, and any other information or records pertaining to the
17 child.

18 (g) Upon notification by the Department of Children
19 and Family Services, the pilot program adminstrator for the
20 Statewide Public Guardianship Office in the respective county
21 shall designate an attorney ad litem to represent the child.
22 Once designated, an attorney ad litem shall represent a child
23 for the sole purpose of any proceeding pursuant to chapter 39,
24 until court jurisdiction of the child terminates.

25 (h) The Statewide Public Guardianship office, in
26 conjunction with the pilot program, shall conduct research and
27 gather statistical information to evaluate the establishment,
28 operation, and impact of the pilot programs in meeting the
29 legal needs of dependent children. The office shall submit an
30 annual report to the Legislature by October 1, 2001, and by
31 October 1, 2002, regarding its findings. The office shall

1 submit a final report by October 1, 2003, which shall include
2 its evaluation of the pilot program, findings on the
3 feasibility of a proposed statewide program, and
4 recommendations, if any, for the establishment, operation, and
5 location of a statewide program.

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

12 Section 2. There is hereby appropriated from the
13 General Revenue Fund to the Statewide Public Guardianship
14 Office an amount sufficient to establish and operate the pilot
15 program as described in s. 39.4095, Florida Statutes, in
16 Broward, Escambia, and Sarasota Counties. Each appointed
17 attorney ad litem shall be paid from funds appropriated to the
18 Statewide Public Guardianship Office for this pilot program.

19 Section 3. This act shall take effect upon becoming a
20 law.

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23 HOUSE SUMMARY

24 Directs the Statewide Public Guardianship Office within
25 the Department of Elderly Affairs to establish a 3-year
26 pilot "Attorney Ad Litem Program" in Broward, Escambia,
27 and Sarasota Counties to provide children who are
28 temporarily taken into legal and physical custody of the
29 Department of Children and Family Services with competent
30 legal representation. See bill for details.
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