

1 ~~who meet the criteria provided in this section are found in~~
2 ~~direct contempt or indirect contempt of a valid court order.~~
3 (2) When if any party files a petition is filed
4 alleging that a child is a child in need of services within
5 ~~such judicial circuit,~~ the child must be represented by
6 counsel at each court appearance unless the record in that
7 proceeding affirmatively demonstrates by clear and convincing
8 evidence that the child knowingly and intelligently waived the
9 right to counsel after fully being advised by the court of the
10 nature of the proceedings and the dispositional alternatives
11 available to the court under this section. If the court
12 decides to appoint counsel for the child and if the child is
13 indigent, the court shall appoint an attorney to represent the
14 child as provided under s. 985.203. Nothing precludes the
15 court from requesting reimbursement of attorney's fees and
16 costs from the nonindigent parent or legal guardian.
17 (3)(2) When if a child is adjudicated as a child in
18 need of services, the court may order the child to be placed
19 in a physically secure setting authorized in this section if
20 ~~is held in direct contempt or indirect contempt of a valid~~
21 ~~court order, as an alternative to placing the child in a~~
22 ~~staff-secure facility as provided under s. 984.225 or s.~~
23 ~~985.216, the court may order that the child be placed within~~
24 ~~the circuit in a physically secure facility operated under the~~
25 ~~pilot program. A child may be committed to the facility only~~
26 ~~if the department, or an authorized representative of the~~
27 ~~department, verifies to the court that a bed is available for~~
28 ~~the child at the physically secure facility and the child has:~~
29 (a) Failed to appear for placement in a staff-secure
30 shelter under s. 984.225, or failed to comply with any other
31 provision of a valid court order relating to such placement

1 and, as a result of such failure, been found to be in direct
2 or indirect contempt of court; or

3 (b)(a) Run away from a staff-secure shelter following
4 placement under s. 984.225 or s. ~~984.09~~ 985.216; or

5 ~~(b) Committed at least two prior acts of direct or~~
6 ~~indirect contempt.~~

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8 The department, or an authorized representative of the
9 department, must verify to the court that a bed is available
10 for the child. If a bed is not available, the court must stay
11 the placement until a bed is available, and the department
12 must place the child's name on a waiting list. The child who
13 has been on the waiting list the longest has first priority
14 for placement in the physically secure setting.

15 (4)(3) A child may be placed in a physically secure
16 setting facility for up to ~~90~~ 5 days for the first commitment
17 and up to 15 days for a second or subsequent commitment. If a
18 child has not been reunited with his or her parent, guardian,
19 or legal custodian at the expiration of the placement in a
20 physically secure setting, the court may order that the child
21 remain in the physically secure setting for an additional 30
22 days if the court finds that reunification could be achieved
23 within that period.

24 (5)(a) The court shall review the child's placement
25 once every 45 days as provided in s. 984.20.

26 (b) At any time during the placement of a child in
27 need of services in a physically secure setting, the
28 department, or an authorized representative of the department,
29 may submit to the court a report that recommends:

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1 1. That the child has received all of the services
2 available from the physically secure setting and is ready for
3 reunification with a parent or guardian; or

4 2. That the child is unlikely to benefit from
5 continued placement in the physically secure setting and is
6 more likely to have his or her needs met in a different type
7 of placement.

8 (c) The court shall determine if the parent, guardian,
9 or custodian has reasonably participated in and has
10 financially contributed to the child's counseling and
11 treatment program. If the court finds an inadequate financial
12 contribution or participation by the parent, guardian, or
13 custodian before the end of the placement, the court shall
14 direct that the child be handled as a dependent child,
15 jurisdiction shall be transferred to the Department of
16 Children and Family Services, and the child's care shall be
17 governed by chapter 39.

18 (d) If the court determines that the child requires
19 residential mental health treatment or residential care for a
20 developmental disability, the court shall refer the child to
21 the Department of Children and Family Services for the
22 provision of necessary services.

23 (6)(4) Prior to being ordered ~~committed~~ to a
24 physically secure setting ~~facility~~, the child must be afforded
25 all rights of due process required under s. 985.216. While in
26 the physically secure setting ~~facility~~, the child shall
27 receive appropriate assessment, treatment, and educational
28 services that are designed to eliminate or reduce the child's
29 truant, ungovernable, or runaway behavior. The child and
30 family shall be provided with family counseling and other
31 support services necessary for reunification.

1 (7)~~(5)~~ The court shall order the parent, guardian, or
2 legal custodian to cooperate with efforts to reunite the child
3 with the family, participate in counseling, and pay all costs
4 associated with the care and counseling provided to the child
5 and family, in accordance with the family's ability to pay as
6 determined by the court. Placement ~~Commitment~~ of a child under
7 this section is designed to provide residential care on a
8 temporary basis. Such placement ~~commitment~~ does not abrogate
9 the legal responsibilities of the parent, guardian, or legal
10 custodian with respect to the child, except to the extent that
11 those responsibilities are temporarily altered by court order.

12 ~~(6) The Juvenile Justice Accountability Board shall~~
13 ~~monitor the operation of the pilot program and issue a~~
14 ~~preliminary evaluation report to the Legislature by December~~
15 ~~1, 1998. The Department of Juvenile Justice and the Juvenile~~
16 ~~Justice Accountability Board shall issue a joint final report~~
17 ~~to the Legislature, including any proposed legislation, by~~
18 ~~December 1, 1999.~~

19 Section 2. This act shall take effect upon becoming a
20 law.

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