

Bill No. SB 2566

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Diaz-Balart moved the following amendment:

Senate Amendment (with title amendment)

On page 76, following line 31

insert:

Section 45. 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 Office of the State Courts Administrator shall establish a 3-year pilot Attorney Ad Litem Program in Broward County. The Office of the State Courts Administrator shall adopt rules to administer the pilot program.

(b) The Office of the State Courts Administrator shall establish the pilot program in Broward County by October 1, 2000. The office may contract with a private or public entity

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

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

22 (d) The Office of the State Courts Administrator in
23 conjunction with the pilot program shall develop a training
24 program for attorneys ad litem which includes, but need not be
25 limited to, appropriate standards of practice for attorneys
26 who represent children.

27 (e) Within funds specifically appropriated for this
28 pilot program, the Office of the State Courts Administrator in
29 conjunction with the pilot program shall design an appropriate
30 attorney ad litem program and may establish the number of
31 attorneys needed to serve as attorneys ad litem and may employ

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

5 (f) The court shall appoint the Office of the State
6 Courts Administrator or the entity under contract with the
7 office to represent any child in Broward County under the
8 pilot program who is continued in out-of-home care at the
9 shelter hearing conducted under section 39.402, Florida
10 Statutes, if the court deems attorney ad litem representation
11 necessary. At any time following the shelter hearing, the
12 court may appoint an attorney ad litem upon the motion of any
13 party, or upon the court's own motion if an attorney ad litem
14 has not yet been appointed and the court deems such
15 representation necessary. The court must appoint a guardian ad
16 litem pursuant to s. 39.822 for all children who have been
17 appointed an attorney ad litem. Upon this action by the court,
18 the department shall provide to the administrator, at a
19 minimum, the name of the child, the location and placement of
20 the child, the name of the department's authorized agent and
21 contact information, copies of all notices sent to the parent
22 or legal custodian of the child, and other information or
23 records concerning the child.

24 (g) Upon the court's direction, the pilot program
25 administrator shall assign an attorney ad litem to represent
26 the child. Once assigned, the attorney ad litem shall
27 represent the child's wishes for purposes of proceedings under
28 chapter 39, Florida Statutes. The child's attorney must in all
29 circumstances fulfill the same duties of advocacy, loyalty,
30 confidentiality, and competent representation which are due an
31 adult client. The court must approve any action by the

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1 attorney ad litem restricting access to the child by the
2 guardian ad litem or by any other party. The attorney ad litem
3 shall represent the child until the program is discharged by
4 order of the court because permanency has been achieved or the
5 court believes that the attorney ad litem is no longer
6 necessary.

7 (h) The Florida Interuniversity Consortium of
8 Children, Family, and Community, under contract with the
9 Office of the State Courts Administrator, shall conduct
10 research and gather statistical information to evaluate the
11 establishment, operation, and impact of the pilot program in
12 meeting the legal needs of dependent children. In assessing
13 the effects of the pilot program, including achievement of
14 outcomes identified under paragraph (2)(b), the evaluation
15 must include a comparison of children within Broward County
16 who are appointed an attorney ad litem with those who are not,
17 and a comparison of children appointed an attorney ad litem
18 within Broward County with children outside Broward County
19 whose cases are of a similar level of complexity. The office
20 shall submit a report to the Legislature by October 1, 2001,
21 and by October 1, 2002, regarding its findings. The office
22 shall submit a final report by October 1, 2003, which must
23 include an evaluation of the pilot program; findings on the
24 feasibility of a statewide program; and recommendations, if
25 any, for locating, establishing, and operating a statewide
26 program.

27 (3) STANDARDS.--The Supreme Court is requested, by
28 October 1, 2000, to adopt rules of juvenile procedure which
29 include the duties, responsibilities, and conduct of an
30 attorney ad litem, in consideration of the Standards of
31 Practice for Lawyers Who Represent Children in Abuse and

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1 insert:

2 providing legislative intent with respect to
3 providing competent legal representation for
4 children in state custody; requiring that the
5 Office of the State Courts Administrator create
6 a pilot Attorney Ad Litem Program in Broward
7 County; authorizing the office to adopt rules
8 to administer the pilot program; authorizing
9 the office to contract with a private or public
10 entity to operate the pilot program; providing
11 for the pilot program to operate independently
12 of other state agencies responsible for the
13 care of children in state custody; providing
14 for administration of the program; requiring
15 that the Office of the State Courts
16 Administrator develop a training program for
17 attorneys ad litem; requiring that the court
18 direct the pilot program to assign an attorney
19 ad litem; requiring that the Department of
20 Children and Family Services provide
21 information to the pilot-program administrator;
22 providing for assigning an attorney ad litem to
23 represent the child's wishes; requiring the
24 Office of the State Courts Administrator to
25 make annual reports to the Legislature;
26 requiring that the Florida Interuniversity
27 Consortium of Children, Family, and Community
28 evaluate the pilot program; requesting that the
29 Supreme Court adopt rules of juvenile
30 procedure; providing appropriations for the
31 pilot program;