

Bill No. SB 2566

Amendment No.     

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator McKay 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 the Ninth Judicial Circuit.

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

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

12 (c) The Ninth Judicial Circuit shall designate an  
13 attorney within the Ninth Judicial Circuit to conduct the  
14 administrative oversight of the pilot program. The program  
15 administrator must be a member in good standing of The Florida  
16 Bar and must have 5 or more years of experience in the area of  
17 child advocacy, child welfare, or juvenile law. The  
18 administrative oversight of the pilot program is subject to  
19 supervision by the Ninth Judicial Circuit.

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

25 (e) Within funds specifically appropriated for this  
26 pilot program, the Office of the State Courts Administrator in  
27 conjunction with the pilot program shall design an appropriate  
28 attorney ad litem program and may establish the number of  
29 attorneys needed to serve as attorneys ad litem and may employ  
30 attorneys and other personnel. An attorney ad litem must be a  
31 member in good standing of The Florida Bar and may not serve

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1 as an attorney ad litem until he or she has completed the  
2 training program.

3 (f) The court shall appoint the entity responsible for  
4 representation of children in the Ninth Judicial Circuit under  
5 the pilot program who are continued in out-of-home care at the  
6 shelter hearing conducted under section 39.402, Florida  
7 Statutes, if the court deems attorney ad litem representation  
8 necessary. At any time following the shelter hearing, the  
9 court may appoint an attorney ad litem upon the motion of any  
10 party, or upon the court's own motion if an attorney ad litem  
11 has not yet been appointed and the court deems such  
12 representation necessary. The attorney ad litem's  
13 representation shall be limited to proceedings initiated under  
14 chapter 39, only. The court must appoint a guardian ad litem  
15 pursuant to s. 39.822 for all children who have been appointed  
16 an attorney ad litem. Upon this action by the court, the  
17 department shall provide to the administrator, at a minimum,  
18 the name of the child, the location and placement of the  
19 child, the name of the department's authorized agent and  
20 contact information, copies of all notices sent to the parent  
21 or legal custodian of the child, and other information or  
22 records concerning the child.

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

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

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

23 (3) STANDARDS.--The Supreme Court is requested, by  
24 October 1, 2000, to adopt rules of juvenile procedure which  
25 include the duties, responsibilities, and conduct of an  
26 attorney ad litem. The Office of the State Courts  
27 Administrator, in consultation with the Dependency Court  
28 Improvement Committee of the Supreme Court, shall develop  
29 implementation guidelines for the attorney ad litem pilot  
30 program.

31 (4) FUNDING.--The sums of \$1,040,111 in recurring

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1 funds and \$48,674 in nonrecurring funds are appropriated from  
2 the General Revenue Fund and two full-time-equivalent  
3 positions are authorized for Court Operations - Circuit Courts  
4 in the State Court System to operate the attorney ad litem  
5 pilot program in the Ninth Judicial Circuit and provide  
6 adequate guardian ad litem representation that is in the best  
7 interests of all children involved in the pilot program. The  
8 sum of \$696,798 in recurring funds is appropriated from the  
9 General Revenue Fund, and 14 full-time equivalent positions  
10 are authorized, for the circuit court budget to ensure best  
11 interests representation by the Guardian Ad Litem Program as  
12 part of the pilot program. The sum of \$75,000 in nonrecurring  
13 funds is appropriated from the General Revenue Fund to the  
14 Supreme Court for the Office of the State Courts Administrator  
15 for the purpose of evaluating the pilot program.

16 (5) The provisions in this section of the act shall  
17 take effect October 1, 2000.

18  
19 (Redesignate subsequent sections.)

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

23 And the title is amended as follows:

24 On page 3, line 24, following the semicolon

25  
26 insert:

27 providing legislative intent with respect to  
28 providing competent legal representation for  
29 children in state custody; requiring that the  
30 Office of the State Courts Administrator create  
31 a pilot Attorney Ad Litem Program in the Ninth

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1           Judicial Circuit; authorizing the office to  
2           contract with a private or public entity to  
3           operate the pilot program; providing for the  
4           pilot program to operate independently of other  
5           state agencies responsible for the care of  
6           children in state custody; providing for  
7           administration of the program; requiring that  
8           the Office of the State Courts Administrator  
9           develop a training program for attorneys ad  
10          litem; requiring that the court direct the  
11          pilot program to assign an attorney ad litem;  
12          requiring that the Department of Children and  
13          Family Services provide information to the  
14          pilot-program administrator; providing for  
15          assigning an attorney ad litem to represent the  
16          child's wishes; requiring the Office of the  
17          State Courts Administrator to make annual  
18          reports to the Legislature; requiring that the  
19          Office of the States Courts Administrator  
20          evaluate the pilot program; requesting that the  
21          Supreme Court adopt rules of juvenile  
22          procedure; providing appropriations for the  
23          pilot program;

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