

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 2-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) An attorney ad litem must be a member in good
 26 standing of The Florida Bar and may not serve as an attorney
 27 ad litem until he or she has completed the training program.

28 (f) The court shall appoint the entity responsible for
 29 representation of children in the Ninth Judicial Circuit under
 30 the pilot program who are continued in out-of-home care at the
 31 shelter hearing conducted under section 39.402, Florida

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1 Statutes, if the court deems attorney ad litem representation
2 necessary. At any time following the shelter hearing, the
3 court may appoint an attorney ad litem upon the motion of any
4 party, or upon the court's own motion if an attorney ad litem
5 has not yet been appointed and the court deems such
6 representation necessary. The attorney ad litem's
7 representation shall be limited to proceedings initiated under
8 chapter 39, only. The court must appoint a guardian ad litem
9 pursuant to s. 39.822 for all children who have been appointed
10 an attorney ad litem. Upon this action by the court, the
11 department shall provide to the administrator, at a minimum,
12 the name of the child, the location and placement of the
13 child, the name of the department's authorized agent and
14 contact information, copies of all notices sent to the parent
15 or legal custodian of the child, and other information or
16 records concerning the child.

17 (g) Upon the court's direction, the pilot program
18 administrator shall assign an attorney ad litem to represent
19 the child. Once assigned, the attorney ad litem shall
20 represent the child's wishes for purposes of proceedings under
21 chapter 39, Florida Statutes, as long as the child's wishes
22 are consistent with the safety and well being of the child.
23 The child's attorney must in all circumstances fulfill the
24 same duties of advocacy, loyalty, confidentiality, and
25 competent representation which are due an adult client. The
26 court must approve any action by the attorney ad litem
27 restricting access to the child by the guardian ad litem or by
28 any other party. The attorney ad litem shall represent the
29 child until the program is discharged by order of the court
30 because permanency has been achieved or the court believes
31 that the attorney ad litem is no longer necessary.

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

16 (3) STANDARDS.--The Supreme Court is requested, by
17 October 1, 2000, to adopt rules of juvenile procedure which
18 include the duties, responsibilities, and conduct of an
19 attorney ad litem. The Office of the State Courts
20 Administrator, in consultation with the Dependency Court
21 Improvement Committee of the Supreme Court, shall develop
22 implementation guidelines for the attorney ad litem pilot
23 program.

24 (4) FUNDING.--The sums of \$1,040,111 in recurring
25 funds and \$48,674 in nonrecurring funds are appropriated from
26 the General Revenue Fund and two full-time-equivalent
27 positions are authorized for Court Operations - Circuit Courts
28 in the State Court System to operate the attorney ad litem
29 pilot program in the Ninth Judicial Circuit and provide
30 adequate guardian ad litem representation that is in the best
31 interests of all children involved in the pilot program. The

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1 sum of \$696,798 in recurring funds is appropriated from the
 2 General Revenue Fund, and 14 full-time equivalent positions
 3 are authorized, for the circuit court budget to ensure best
 4 interests representation by the Guardian Ad Litem Program as
 5 part of the pilot program. The sum of \$75,000 in nonrecurring
 6 funds is appropriated from the General Revenue Fund to the
 7 Supreme Court for the Office of the State Courts Administrator
 8 for the purpose of evaluating the pilot program.

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

11
 12 (Redesignate subsequent sections.)

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

16 And the title is amended as follows:

17 On page 3, line 24, following the semicolon

18
 19 insert:

20 providing legislative intent with respect to
 21 providing competent legal representation for
 22 children in state custody; requiring that the
 23 Office of the State Courts Administrator create
 24 a pilot Attorney Ad Litem Program in the Ninth
 25 Judicial Circuit; authorizing the office to
 26 contract with a private or public entity to
 27 operate the pilot program; providing for the
 28 pilot program to operate independently of other
 29 state agencies responsible for the care of
 30 children in state custody; providing for
 31 administration of the program; requiring that

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1 the Office of the State Courts Administrator
2 develop a training program for attorneys ad
3 litem; requiring that the court direct the
4 pilot program to assign an attorney ad litem;
5 requiring that the Department of Children and
6 Family Services provide information to the
7 pilot-program administrator; providing for
8 assigning an attorney ad litem to represent the
9 child's wishes; requiring the Office of the
10 State Courts Administrator to make annual
11 reports to the Legislature; requiring that the
12 Office of the States Courts Administrator
13 evaluate the pilot program; requesting that the
14 Supreme Court adopt rules of juvenile
15 procedure; providing appropriations for the
16 pilot program;

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