

Bill No. CS for SB 1974

Amendment No. ____ Barcode 871658

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Campbell moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause		
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16	and insert:		
17	Section 1. <u>Creation of the Statewide Guardian Ad Litem</u>		
18	<u>Office; legislative findings and intent; appointment of an</u>		
19	<u>executive director; duties of the office; transfer of existing</u>		
20	<u>programs.--</u>		
21	<u>(1) LEGISLATIVE FINDINGS AND INTENT.--</u>		
22	<u>(a) The Legislature finds that for the past 20 years</u>		
23	<u>the guardian ad litem program has been the only mechanism for</u>		
24	<u>representing the best interests of children in this state who</u>		
25	<u>are involved in dependency proceedings.</u>		
26	<u>(b) The Legislature also finds that, while the</u>		
27	<u>guardian ad litem program has been supervised by the Office of</u>		
28	<u>the State Courts Administrator since the inception of the</u>		
29	<u>program, there is a perceived conflict of interest created by</u>		
30	<u>the supervision of program staff by the judges before whom</u>		
31	<u>they appear.</u>		

Bill No. CS for SB 1974

Amendment No. ____ Barcode 871658

1 (c) The Legislature further finds that the guardian ad
2 litem program has not been identified as a core element of the
3 judicial branch and is therefore scheduled to be moved out of
4 the branch in 2004 as a result of a revision to Article V of
5 the State Constitution. It is, therefore, the intent of the
6 Legislature to assign the guardian ad litem program to an
7 appropriate agency and to provide a statewide infrastructure
8 to improve functioning and increase standardization among the
9 local programs currently operating in the 20 judicial
10 circuits.

11 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.--There is
12 created a Statewide Guardian Ad Litem Office within the
13 Justice Administrative Commission. The Justice Administrative
14 Commission shall, within the available resources of the
15 commission, provide administrative support and services to the
16 office to the extent requested by the executive director of
17 the office. The Statewide Guardian Ad Litem Office is not
18 subject to control, supervision, or direction by the Justice
19 Administrative Commission in the performance of its duties.

20 (a) The head of the Statewide Guardian Ad Litem Office
21 is the executive director, who shall be appointed by the
22 Governor in consultation with the Chief Justice of the Florida
23 Supreme Court. The executive director must have knowledge of
24 dependency law and knowledge of social service delivery
25 systems available to meet the needs of children who have been
26 adjudicated dependent. The executive director shall serve full
27 time and shall personally or through representatives of the
28 office carry out the purposes and functions of the Statewide
29 Guardian Ad Litem Office in accordance with state and federal
30 law. The executive director shall serve at the pleasure of the
31 Governor and shall report to the Governor.

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1 (b) The Statewide Guardian Ad Litem Office shall,
2 within available resources, have oversight responsibilities
3 for and provide technical assistance to all guardian ad litem
4 and existing attorney ad litem programs located within the
5 judicial circuits.

6 1. The office shall review the current guardian ad
7 litem programs in this state and in other states.

8 2. The office, in consultation with local guardian ad
9 litem offices, shall develop statewide performance measures
10 and standards.

11 3. The office shall develop a guardian ad litem
12 training program. The office shall establish a curriculum
13 committee to develop the training program, which committee
14 shall include, but is not limited to, dependency judges,
15 directors of circuit guardian ad litem programs, active
16 certified guardians ad litem, a mental health professional who
17 specializes in the treatment of children, a member of a child
18 advocacy group, a representative of the Florida Coalition
19 Against Domestic Violence, and a social worker who is
20 experienced in working with victims and perpetrators of child
21 abuse.

22 4. The office shall review the various methods of
23 funding guardian ad litem programs, shall maximize the use of
24 those funding sources as much as possible, and shall review
25 the kinds of services that are being provided by circuit
26 guardian ad litem programs.

27 5. The office shall continue the attorney ad litem
28 projects and may conduct or contract for other demonstration
29 projects, within the funds that have been appropriated or
30 through gifts, grants, or contributions for such purposes, to
31 determine the feasibility or desirability of new concepts of

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Amendment No. ____ Barcode 871658

1 organization, administration, financing, or service delivery
2 designed to preserve the civil and constitutional rights and
3 to fulfill other needs of dependent children.

4 6. By October 1, 2004, the office shall submit to the
5 Governor, the President of the Senate, the Speaker of the
6 House of Representatives, and the Chief Justice of the Supreme
7 Court an interim report that describes the progress of the
8 office in meeting the goals described in this section. By
9 October 1, 2004, the office shall also submit to the Governor,
10 the President of the Senate, the Speaker of the House of
11 Representatives, and the Chief Justice of the Supreme Court a
12 proposed plan that includes alternatives for meeting the
13 guardian ad litem and attorney ad litem needs in this state.
14 This plan may include recommendations covering less than the
15 entire state, may include a phase-in system, and must include
16 estimates of the cost of each of the alternatives. Each year
17 thereafter, the office shall submit a status report and
18 provide further recommendations to address the need for
19 guardian ad litem services and related issues.

20 Section 2. The pilot program for attorneys ad litem
21 for dependent children, established under section 39.4086,
22 Florida Statutes, is transferred from the Office of the State
23 Courts Administrator to the Statewide Guardian Ad Litem Office
24 within the Justice Administrative Commission.

25 Section 3. All funds and positions associated with the
26 guardian ad litem program in the Office of the State Courts
27 Administrator are transferred by a type II transfer to the
28 Statewide Guardian Ad Litem Office within the Justice
29 Administrative Commission.

30 Section 4. This act shall take effect July 1, 2003.
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

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5 and insert:

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A bill to be entitled

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An act relating to guardian ad litem services;

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providing legislative findings and intent;

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creating the Statewide Guardian Ad Litem Office

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within the Justice Administrative Commission;

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providing for the appointment of an executive

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director; providing for the duties of the

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executive director; providing responsibilities

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of the office; providing for the continuation

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of the attorney ad litem program; requiring the

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office to submit to the Governor, legislative

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leaders, and the Chief Justice of the Florida

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Supreme Court an annual report and a plan for

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meeting the guardian ad litem needs of the

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state; transferring a pilot program for

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attorneys ad litem for dependent children to

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the office; transferring funds and positions to

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the office; providing an effective date.

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