

By Senator Campbell

32-742-03

1 A bill to be entitled
2 An act relating to guardian ad litem services;
3 providing legislative findings and intent;
4 creating the Statewide Guardian Ad Litem Office
5 within the Justice Administrative Commission;
6 providing for the appointment of an executive
7 director; providing for the duties of the
8 executive director; providing responsibilities
9 of the office; requiring the office to submit
10 to the Governor, legislative leaders, and the
11 Chief Justice of the Florida Supreme Court an
12 annual report and a plan for meeting the
13 guardian ad litem needs of the state;
14 transferring a pilot program for attorneys ad
15 litem for dependent children to the office;
16 transferring funds and positions to the office;
17 providing an effective date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Creation of the Statewide Guardian Ad Litem
22 Office; legislative findings and intent; appointment of an
23 executive director; duties of the office; transfer of existing
24 programs.--

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25 (1) LEGISLATIVE FINDINGS AND INTENT.--

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26 (a) The Legislature finds that for the past 20 years
27 the guardian ad litem program has been the only mechanism for
28 representing the best interests of children in this state who
29 are involved in dependency proceedings.

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30 (b) The Legislature also finds that, while the
31 guardian ad litem program has been supervised by the Office of

1 the State Courts Administrator since the inception of the
2 program, there is a perceived conflict of interest created by
3 the supervision of program staff by the judges before whom
4 they appear.

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

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

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

1 office carry out the purposes and functions of the Statewide
2 Guardian Ad Litem Office in accordance with state and federal
3 law. The executive director shall serve at the pleasure of the
4 Governor and shall report to the Governor.

5 (b) The Statewide Guardian Ad Litem Office shall,
6 within available resources, have oversight responsibilities
7 for and provide technical assistance to all guardian ad litem
8 programs located within the judicial circuits.

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

11 2. The office, in consultation with local guardian ad
12 litem offices, shall develop statewide performance measures
13 and standards.

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

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

30 5. The office may conduct or contract for
31 demonstration projects, within the funds that have been

1 appropriated or through gifts, grants, or contributions for
2 such purposes, to determine the feasibility or desirability of
3 new concepts of organization, administration, financing, or
4 service delivery designed to preserve the civil and
5 constitutional rights and to fulfill other needs of dependent
6 children.

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

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

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

3 Section 4. This act shall take effect July 1, 2003.

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6 SENATE SUMMARY

7 Creates the Statewide Guardian Ad Litem Office within the
8 Justice Administrative Commission. Provides legislative
9 findings and intent. Provides for the appointment of an
10 executive director. Provides the duties of the executive
11 director. Provides responsibilities of the office.
12 Requires the office to submit to the Governor,
13 legislative leaders, and the Chief Justice of the Florida
14 Supreme Court an annual report and a plan for meeting the
15 guardian ad litem needs of the state. Transfers a pilot
16 program for attorneys ad litem for dependent children to
17 the office. Transfers funds and positions from the Office
18 of the State Courts Administrator to the Statewide
19 Guardian Ad Litem Office.
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