

By the Committee on Judiciary; and Senator Campbell

308-2387-03

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A bill to be entitled  
An act relating to guardian ad litem services;  
providing legislative findings and intent;  
creating the Statewide Guardian Ad Litem Office  
within the Justice Administrative Commission;  
providing for the appointment of an executive  
director; providing for the duties of the  
executive director; providing responsibilities  
of the office; providing for the continuation  
of the attorney ad litem program; requiring the  
office to submit to the Governor, legislative  
leaders, and the Chief Justice of the Florida  
Supreme Court an annual report and a plan for  
meeting the guardian ad litem needs of the  
state; transferring a pilot program for  
attorneys ad litem for dependent children to  
the office; transferring funds and positions to  
the office; providing an effective date.

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

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

(1) LEGISLATIVE FINDINGS AND INTENT.--

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

1           (b) The Legislature also finds that, while the  
2 guardian ad litem program has been supervised by the Office of  
3 the State Courts Administrator since the inception of the  
4 program, there is a perceived conflict of interest created by  
5 the supervision of program staff by the judges before whom  
6 they appear.

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

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

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

1 adjudicated dependent. The executive director shall serve full  
2 time and shall personally or through representatives of the  
3 office carry out the purposes and functions of the Statewide  
4 Guardian Ad Litem Office in accordance with state and federal  
5 law. The executive director shall serve at the pleasure of the  
6 Governor and shall report to the Governor.

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

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

14 2. The office, in consultation with local guardian ad  
15 litem offices, shall develop statewide performance measures  
16 and standards.

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

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

3 5. The office shall continue the attorney ad litem  
4 projects and may conduct or contract for other demonstration  
5 projects, within the funds that have been appropriated or  
6 through gifts, grants, or contributions for such purposes, to  
7 determine the feasibility or desirability of new concepts of  
8 organization, administration, financing, or service delivery  
9 designed to preserve the civil and constitutional rights and  
10 to fulfill other needs of dependent children.

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

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

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

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

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8                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
9                           COMMITTEE SUBSTITUTE FOR  
10                           Senate Bill 1974

11 Provides expressly for the continuation of attorney ad litem  
12 projects even as the oversight of such programs is transferred  
13 from the judicial branch to the newly created Statewide  
14 Guardian Ad Litem Office.  
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