



HB 0439

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1 A bill to be entitled
2 An act relating to guardians ad litem; providing
3 legislative intent creating the Statewide Guardian Ad
4 Litem Office within the Justice Administrative Commission;
5 providing for the appointment of an executive director;
6 providing for duties; providing oversight responsibility
7 for local guardian ad litem programs; providing for the
8 transfer of the attorney ad litem pilot program and the
9 funds and positions associated with the Guardian Ad Litem
10 Program to the Statewide Guardian Ad Litem Office;
11 providing an effective date.

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

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15 Section 1. Statewide Guardian Ad Litem Office;
16 legislative findings and intent; creation; appointment of
17 executive director; duties of office.--

18 (1) LEGISLATIVE FINDINGS AND INTENT.--

19 (a) The Legislature finds that for the past 20 years, the
20 Guardian Ad Litem Program has been the only mechanism for best
21 interest representation for children in Florida who are involved
22 in dependency proceedings.

23 (b) The Legislature also finds that while the Guardian Ad
24 Litem Program has been supervised by the Office of the State
25 Courts Administrator since the program's inception, there is a
26 perceived conflict of interest created by the supervision of
27 program staff by the judges before whom they appear.

28 (c) The Legislature further finds that the Guardian Ad
29 Litem Program has not been identified as a core element of the



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30 judicial branch and is therefore scheduled to be moved out of the
 31 branch in 2004 as a result of Article V, Revision 7.

32 (d) It is therefore the intent of the Legislature to
 33 place the Guardian Ad Litem Program in an appropriate place and
 34 provide a statewide infrastructure to increase functioning and
 35 standardization among the local programs currently operating in
 36 the 20 judicial circuits.

37 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.--There is created
 38 a Statewide Guardian Ad Litem Office within the Justice
 39 Administrative Commission. The Justice Administrative Commission
 40 shall provide administrative support and service to the office to
 41 the extent requested by the executive director within the
 42 available resources of the commission. The Statewide Guardian Ad
 43 Litem Office shall not be subject to control, supervision, or
 44 direction by the Justice Administrative Commission in the
 45 performance of its duties.

46 (a) The head of the Statewide Guardian Ad Litem Office is
 47 the executive director, who shall be appointed by the Governor in
 48 consultation with the Chief Justice of the Supreme Court. The
 49 executive director must have knowledge in dependency law and
 50 knowledge of social service delivery systems available to meet
 51 the needs of children who have been adjudicated dependent. The
 52 executive director shall serve on a full-time basis and shall
 53 personally, or through representatives of the office, carry out
 54 the purposes and functions of the Statewide Guardian Ad Litem
 55 Office in accordance with state and federal law. The executive
 56 director shall serve at the pleasure of and report to the
 57 Governor.

58 (b) The Statewide Guardian Ad Litem Office shall, within
 59 available resources, have oversight responsibilities for and



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60 provide technical assistance to all guardian ad litem programs
61 located within the judicial circuits.

62 1. The office shall review the current guardian ad litem
63 programs in Florida and other states.

64 2. The office, in consultation with local guardian ad
65 litem offices, shall develop statewide performance measures and
66 standards.

67 3. The office shall develop a guardian ad litem training
68 program. The office shall establish a curriculum committee to
69 develop the training program specified in this section. The
70 curriculum committee shall include, but not be limited to,
71 dependency judges, directors of circuit guardian ad litem
72 programs, active certified guardians ad litem, a mental health
73 professional who specializes in the treatment of children, a
74 member of a child advocacy group, a representative of the Florida
75 Coalition Against Domestic Violence, and a social worker
76 experienced in working with victims and perpetrators of child
77 abuse.

78 4. The office shall review the various methods of funding
79 guardian ad litem programs, shall maximize the use of those
80 funding sources to the extent possible, and shall review the
81 kinds of services being provided by circuit guardian ad litem
82 programs.

83 5. The office may conduct or contract for demonstration
84 projects, within funds appropriated or through gifts, grants, or
85 contributions for such purposes, to determine the feasibility or
86 desirability of new concepts of organization, administration,
87 financing, or service delivery designed to preserve the civil and
88 constitutional rights and fulfill other needs of dependent
89 children.



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90 6. No later than October 1, 2004, the office shall
91 submit to the Governor, the President of the Senate, the Speaker
92 of the House of Representatives, and the Chief Justice of the
93 Supreme Court an interim report describing the progress of the
94 office in meeting the goals as described in this section. No
95 later than October 1, 2004, the office shall submit to the
96 Governor, the President of the Senate, the Speaker of the House
97 of Representatives, and the Chief Justice of the Supreme Court a
98 proposed plan including alternatives for meeting the state's
99 guardian ad litem needs. This plan may include recommendations
100 for less than the entire state, may include a phase-in system,
101 and shall include estimates of the cost of each of the
102 alternatives. Each year thereafter, the office shall provide a
103 status report and provide further recommendations to address the
104 need for guardian ad litem services and related issues.

105 Section 2. Transfer of existing programs.--

106 (1) The pilot program for attorneys ad litem for
107 dependent children established in s. 39.4086, Florida Statutes,
108 shall be transferred from the Office of the State Courts
109 Administrator to the Statewide Guardian Ad Litem Office within
110 the Justice Administrative Commission.

111 (2) All funds and positions associated with the Guardian
112 Ad Litem Program in the Office of the State Courts Administrator
113 are transferred by a type two transfer, pursuant to s. 20.06(2),
114 Florida Statutes, to the Statewide Guardian Ad Litem Office
115 within the Justice Administrative Commission.

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