



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 and attorney ad litem  
8           programs; providing for the transfer of the attorney ad  
9           litem pilot program and the funds and positions associated  
10          with the Guardian Ad Litem Program to the Statewide  
11          Guardian Ad Litem Office; 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 court administration within  
25 the circuit courts 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 Governor's  
29 Blue Ribbon Task Force concluded that "if there is any program  
30 that costs the least and benefits the most, this one is it," and  
31 that the guardian ad litem volunteer is an "indispensable  
32 intermediary between the child and the court, between the child  
33 and DCF."

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

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

48           (a) The head of the Statewide Guardian Ad Litem Office is  
49 the executive director, who shall be appointed by the Governor  
50 from a list of a minimum of three eligible applicants submitted  
51 by a Guardian Ad Litem Qualifications Committee. The Guardian Ad  
52 Litem Qualifications Committee shall be composed of five  
53 persons, two persons appointed by the Governor, two persons  
54 appointed by the Chief Justice of the Supreme Court, and one  
55 person appointed by the Statewide Guardian Ad Litem Association.



56 The committee shall provide for statewide advertisement and the  
57 receiving of applications for the position of executive  
58 director. The Governor shall appoint an executive director from  
59 among the recommendations, or the Governor may reject the  
60 nominations and request the submission of new nominees. The  
61 executive director must have knowledge in dependency law and  
62 knowledge of social service delivery systems available to meet  
63 the needs of children who are abused, neglected, or abandoned.  
64 The executive director shall serve on a full-time basis and  
65 shall personally, or through representatives of the office,  
66 carry out the purposes and functions of the Statewide Guardian  
67 Ad Litem Office in accordance with state and federal law. The  
68 executive director shall report to the Governor. The executive  
69 director shall serve a 3-year term, subject to removal for cause  
70 by the Governor. Any person appointed to serve as the executive  
71 director may be permitted to serve more than one term.

72 (b) The Statewide Guardian Ad Litem Office shall, within  
73 available resources, have oversight responsibilities for and  
74 provide technical assistance to all guardian ad litem and  
75 attorney ad litem programs located within the judicial circuits.

76 1. The office shall identify the resources required to  
77 implement methods of collecting, reporting, and tracking  
78 reliable and consistent case data.

79 2. The office shall review the current guardian ad litem  
80 programs in Florida and other states.

81 3. The office, in consultation with local guardian ad  
82 litem offices, shall develop statewide performance measures and  
83 standards.



84           4. The office shall develop a guardian ad litem training  
85 program. The office shall establish a curriculum committee to  
86 develop the training program specified in this subparagraph. The  
87 curriculum committee shall include, but not be limited to,  
88 dependency judges, directors of circuit guardian ad litem  
89 programs, active certified guardians ad litem, a mental health  
90 professional who specializes in the treatment of children, a  
91 member of a child advocacy group, a representative of the  
92 Florida Coalition Against Domestic Violence, and a social worker  
93 experienced in working with victims and perpetrators of child  
94 abuse.

95           5. The office shall review the various methods of funding  
96 guardian ad litem programs, shall maximize the use of those  
97 funding sources to the extent possible, and shall review the  
98 kinds of services being provided by circuit guardian ad litem  
99 programs.

100           6. The office shall continue the attorney ad litem  
101 demonstration projects through at least October 1, 2004, and may  
102 conduct or contract for other demonstration projects, within  
103 funds appropriated or through gifts, grants, or contributions  
104 for such purposes, to determine the feasibility or desirability  
105 of new concepts of organization, administration, financing, or  
106 service delivery designed to preserve the civil and  
107 constitutional rights and fulfill other needs of dependent  
108 children.

109           7. No later than October 1, 2004, the office shall submit  
110 to the Governor, the President of the Senate, the Speaker of the  
111 House of Representatives, and the Chief Justice of the Supreme



112 Court an interim report describing the progress of the office in  
113 meeting the goals as described in this section. No later than  
114 October 1, 2004, the office shall submit to the Governor, the  
115 President of the Senate, the Speaker of the House of  
116 Representatives, and the Chief Justice of the Supreme Court a  
117 proposed plan including alternatives for meeting the state's  
118 guardian ad litem and attorney ad litem needs. This plan may  
119 include recommendations for less than the entire state, may  
120 include a phase-in system, and shall include estimates of the  
121 cost of each of the alternatives. Each year thereafter, the  
122 office shall provide a status report and provide further  
123 recommendations to address the need for guardian ad litem  
124 services and related issues.

125 Section 2. Transfer of existing programs.--

126 (1) The pilot program for attorneys ad litem for dependent  
127 children established in s. 39.4086, Florida Statutes, shall be  
128 transferred from the State Courts System to the Statewide  
129 Guardian Ad Litem Office within the Justice Administrative  
130 Commission. The Statewide Guardian Ad Litem Office shall submit  
131 the final report required by s. 39.4086(2)(h), Florida Statutes,  
132 by October 1, 2004.

133 (2) All funds and positions associated with the Guardian  
134 Ad Litem Program within the State Courts System are transferred  
135 by a type two transfer, pursuant to s. 20.06(2), Florida  
136 Statutes, to the Statewide Guardian Ad Litem Office within the  
137 Justice Administrative Commission on January 1, 2004, except  
138 that up to \$35,000 and one full-time equivalent position shall  
139 be transferred to the Justice Administrative Commission



140 | effective October 1, 2004, to pay for the salary and expenses of  
141 | an executive director.

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