

1 A bill to be entitled  
2 An act relating to pregnant children and youth in out-of-  
3 home care; amending s. 39.822, F.S.; requiring courts to  
4 appoint by a specified time a pro bono attorney or  
5 guardian ad litem for a child or youth in out-of-home care  
6 who is pregnant; creating s. 39.8299, F.S.; requiring the  
7 Statewide Guardian Ad Litem Office to establish a  
8 Specialty Guardian Ad Litem Pilot Program in the Fourth  
9 Judicial Circuit to serve children and youth in out-of-  
10 home care who are pregnant; providing for development,  
11 implementation, administration, and supervision of the  
12 program; providing requirements for appointment of  
13 specialty guardians ad litem by the court; specifying  
14 information to be provided to the administrator after an  
15 appointment is made; requiring that a pro bono attorney or  
16 guardian ad litem be appointed if a specialty guardian ad  
17 litem is not available; limiting the specialty guardian ad  
18 litem's representation to proceedings under ch. 39, F.S.,  
19 or proceedings under s. 390.01114(4), F.S., upon the  
20 request of the child or youth; providing that the  
21 specialty guardian ad litem does not have the authority to  
22 accept notice of termination of pregnancy; providing for a  
23 guardian ad litem to be appointed at the end of the  
24 specialty guardian ad litem's representation; providing  
25 that the pilot program and specialty guardians ad litem  
26 are subject to s. 39.822, F.S., relating to the  
27 appointment of a guardian ad litem for an abused,  
28 neglected, or abandoned child; providing that funding is

29 contingent upon a specific appropriation in the General  
 30 Appropriations Act; amending s. 409.146, F.S.; requiring  
 31 the children and families client and management  
 32 information system to include information concerning the  
 33 status and outcomes of pregnant children and youth in  
 34 licensed care; requiring community-based providers and  
 35 subcontractors to report specified pregnancy and outcome  
 36 data to the Department of Children and Family Services;  
 37 specifying reporting procedures; providing an effective  
 38 date.

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

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42 Section 1. Subsection (1) of section 39.822, Florida  
 43 Statutes, is amended to read:

44 39.822 Appointment of guardian ad litem for abused,  
 45 abandoned, or neglected child.—

46 (1) (a) A guardian ad litem shall be appointed by the court  
 47 at the earliest possible time to represent the child in any  
 48 child abuse, abandonment, or neglect judicial proceeding,  
 49 whether civil or criminal.

50 (b) At the first hearing after the court is notified that  
 51 a child or youth in out-of-home care is pregnant, the court  
 52 shall appoint a pro bono attorney, or a guardian ad litem if a  
 53 pro bono attorney is not available, for the child or youth.

54 (c) Any person participating in a civil or criminal  
 55 judicial proceeding resulting from an ~~such~~ appointment pursuant  
 56 to this subsection shall be presumed prima facie to be acting in

57 | good faith and in so doing shall be immune from any liability,  
 58 | civil or criminal, that otherwise might be incurred or imposed.

59 | Section 2. Section 39.8299, Florida Statutes, is created  
 60 | to read:

61 | 39.8299 Specialty Guardian Ad Litem Pilot Program for  
 62 | pregnant children or youth in out-of-home care.-

63 | (1) RESPONSIBILITIES.-

64 | (a) By October 1, 2010, the Statewide Guardian Ad Litem  
 65 | Office shall establish a 3-year Specialty Guardian Ad Litem  
 66 | Pilot Program in the Fourth Judicial Circuit to serve children  
 67 | and youth in out-of-home care who are pregnant.

68 | (b) The Statewide Guardian Ad Litem Office shall designate  
 69 | a guardian ad litem in the Fourth Judicial Circuit as the  
 70 | administrator of the pilot program. The administrator must meet  
 71 | the qualifications for guardians ad litem as specified in s.  
 72 | 39.821 and have 5 or more years of experience in the area of  
 73 | child advocacy, child welfare, or juvenile law or as a program  
 74 | attorney, case coordinator, or volunteer with the Statewide  
 75 | Guardian Ad Litem Office. The executive director of the  
 76 | Statewide Guardian Ad Litem Office shall supervise the  
 77 | administration of the pilot program.

78 | (c) The Statewide Guardian Ad Litem Office, in conjunction  
 79 | with the pilot program, shall develop and implement a training  
 80 | program for specialty guardians ad litem that includes all  
 81 | training developed and provided for guardians ad litem pursuant  
 82 | to s. 39.8296(2)(b)4. as well as training regarding:

83 | 1. Social service programs available to pregnant women in  
 84 | the state.

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85        2. The legal requirements of s. 390.01114.

86        3. The availability of pregnancy counseling services in  
87 the Fourth Judicial Circuit, including all providers offering  
88 services under the Florida Pregnancy Support Services Program.

89        (d) Using funds specifically appropriated for the pilot  
90 program, the Statewide Guardian Ad Litem Office, in conjunction  
91 with the pilot program, shall design and implement an  
92 appropriate specialty guardian ad litem program and may  
93 establish the number of specialty guardians ad litem needed to  
94 meet the needs of the pilot program. An existing guardian ad  
95 litem may serve as a specialty guardian ad litem only after  
96 completing the additional training requirements specified in  
97 paragraph (c).

98        (e) The court shall appoint a specialty guardian ad litem  
99 at the first hearing after the court is notified that the child  
100 or youth is pregnant. If a guardian ad litem is representing the  
101 child or youth at that time and is trained as a specialty  
102 guardian ad litem, a new specialty guardian ad litem need not be  
103 appointed. When a specialty guardian ad litem is appointed, the  
104 court shall provide to the administrator, at a minimum, the name  
105 of the child or youth, the location and placement of the child  
106 or youth, the name of the department's authorized agent and  
107 contact information, copies of all notices sent to the parent or  
108 legal custodian of the child or youth, and any other information  
109 or records concerning the child or youth. If a specialty  
110 guardian ad litem is not available, then, pursuant to s.  
111 39.822(1)(b), the court shall appoint a pro bono attorney or a  
112 guardian ad litem if a pro bono attorney is not available.

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113 (f) The specialty guardian ad litem's representation shall  
114 be limited to proceedings initiated under this chapter, except  
115 that, upon the request of the child or youth, the specialty  
116 guardian ad litem may represent the child or youth in a  
117 proceeding filed pursuant to s. 390.01114(4). The specialty  
118 guardian ad litem does not have the authority to accept notice  
119 of termination of pregnancy pursuant to s. 390.01114.

120 (g) Upon the direction of the court, the pilot program  
121 administrator shall assign a specialty guardian ad litem who  
122 shall represent the child or youth until 6 months after the  
123 conclusion of the child or youth's pregnancy. Once assigned, the  
124 specialty guardian ad litem shall replace any existing guardian  
125 ad litem appointed for the child or youth if the existing  
126 guardian ad litem is not trained as a specialty guardian ad  
127 litem and shall represent the child or youth's wishes for  
128 purposes of proceedings under this chapter and s. 390.01114(4),  
129 when applicable, as long as the child or youth's wishes are  
130 consistent with the safety and well being of the child or youth.  
131 Upon conclusion of the specialty guardian ad litem's  
132 representation of the child or youth, a guardian ad litem shall  
133 be appointed by the court at the earliest possible time.

134 (h) The pilot program is, and specialty guardians ad litem  
135 assigned pursuant to the pilot program are, subject to s.  
136 39.822.

137 (2) FUNDING.—The Statewide Guardian Ad Litem Office shall  
138 conduct the pilot program subject to a specific appropriation in  
139 the General Appropriations Act.

140 Section 3. Subsections (3) through (9) of section 409.146,  
 141 Florida Statutes, are renumbered as subsections (4) through  
 142 (10), respectively, and a new subsection (3) is added to that  
 143 section to read:

144 409.146 Children and families client and management  
 145 information system.—

146 (3) (a) The system shall include information concerning the  
 147 status of pregnant children and pregnant youth in licensed care.

148 (b) Lead community-based providers and their  
 149 subcontractors operating pursuant to s. 409.1671 shall notify  
 150 the department within 72 hours after determining or discovering  
 151 that a child or youth in licensed care is pregnant. This  
 152 notification shall include the following data:

153 1. The age of the pregnant child or youth.

154 2. Whether the child or youth was pregnant prior to  
 155 entering licensed care or became pregnant while in licensed  
 156 care.

157 3. The name of any entity that is providing prenatal care,  
 158 counseling, or other social services to the child or youth.

159 4. Whether the child or youth has declined prenatal care,  
 160 counseling, or other social services.

161 (c) Lead community-based providers and their  
 162 subcontractors shall notify the department within 7 days after  
 163 determining or discovering the pregnancy outcome of a child or  
 164 youth in licensed care, including whether the pregnancy was  
 165 terminated or resulted in a live birth, stillbirth, or fetal  
 166 death as defined in s. 382.002, and such data shall be entered  
 167 in the system. If the pregnancy resulted in a live birth, the

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168 data shall also indicate whether the infant remains in the care  
169 of the child or youth, has been placed for adoption, or has been  
170 placed in other licensed care.

171 (d) Data provided to the department pursuant to this  
172 subsection shall be entered, aggregated, and reported pursuant  
173 to subsection (7).

174 Section 4. This act shall take effect July 1, 2010.