

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; directing the Statewide Guardian Ad Litem Office,  
13          in conjunction with the pilot program, to develop and  
14          implement a training program for specialty guardians ad  
15          litem; providing requirements for appointment of specialty  
16          guardians ad litem by the court; specifying information to  
17          be provided to the administrator after an appointment is  
18          made; requiring that a pro bono attorney or guardian ad  
19          litem be appointed if a specialty guardian ad litem is not  
20          available; limiting the specialty guardian ad litem's  
21          representation to proceedings under specified provisions;  
22          providing that the specialty guardian ad litem does not  
23          have the authority to accept notice of termination of  
24          pregnancy; providing for a guardian ad litem to be  
25          appointed at the end of the specialty guardian ad litem's  
26          representation; providing that the pilot program and  
27          specialty guardians ad litem are subject to specified  
28          provisions relating to the appointment of a guardian ad

29 litem for an abused, neglected, or abandoned child;  
 30 amending s. 409.146, F.S.; requiring the children and  
 31 families client and management information system to  
 32 include information concerning the status and outcomes of  
 33 pregnant children and youth in licensed care; requiring  
 34 community-based providers and subcontractors to report  
 35 specified pregnancy and outcome data to the Department of  
 36 Children and Family Services; specifying reporting  
 37 procedures; providing appropriations; providing an  
 38 effective 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) By October 1, 2010, the Statewide Guardian Ad Litem  
64 | Office shall establish a 3-year Specialty Guardian Ad Litem  
65 | Pilot Program in the Fourth Judicial Circuit to serve children  
66 | and youth in out-of-home care who are pregnant.

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

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

82 | (a) Social service programs available to pregnant women in  
83 | the state.

84 | (b) The legal requirements of s. 390.01114.

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

88        (4) Using funds specifically appropriated for the pilot  
89 program, the Statewide Guardian Ad Litem Office, in conjunction  
90 with the pilot program, shall design and implement an  
91 appropriate specialty guardian ad litem program and may  
92 establish the number of specialty guardians ad litem needed to  
93 meet the needs of the pilot program. An existing guardian ad  
94 litem may serve as a specialty guardian ad litem only after  
95 completing the additional training requirements specified in  
96 subsection (3).

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

112        (6) The specialty guardian ad litem's representation shall

CS/HB 1383

2010

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

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

133 (8) The pilot program and specialty guardians ad litem  
134 assigned pursuant to the pilot program are subject to s. 39.822.

135 Section 3. Subsections (3) through (9) of section 409.146,  
136 Florida Statutes, are renumbered as subsections (4) through  
137 (10), respectively, and a new subsection (3) is added to that  
138 section to read:

139 409.146 Children and families client and management  
140 information system.—

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

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

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

149 2. Whether the child or youth was pregnant prior to  
150 entering licensed care or became pregnant while in licensed  
151 care.

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

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

156 (c) Lead community-based providers and their  
157 subcontractors shall notify the department within 7 days after  
158 determining or discovering the pregnancy outcome of a child or  
159 youth in licensed care, including whether the pregnancy was  
160 terminated or resulted in a live birth, stillbirth, or fetal  
161 death as defined in s. 382.002, and such data shall be entered  
162 in the system. If the pregnancy resulted in a live birth, the  
163 data shall also indicate whether the infant remains in the care  
164 of the child or youth, has been placed for adoption, or has been  
165 placed in other licensed care.

166 (d) Data provided to the department pursuant to this  
167 subsection shall be entered, aggregated, and reported pursuant  
168 to subsection (7) within 12 months after the Florida Safe

CS/HB 1383

2010

169 Families Network system is deployed to full production  
170 operational status. In the interim, such data may be collected  
171 and reported by other means.

172 Section 4. (1) For the 2010-2011 fiscal year, one full-  
173 time equivalent position with associated salary rate of 32,000  
174 is authorized and the sum of \$55,000 in recurring revenue from  
175 the General Revenue Fund is appropriated to the Statewide  
176 Guardian Ad Litem Office to implement the Specialty Guardian Ad  
177 Litem Pilot Program in the Fourth Judicial Circuit.

178 (2) For the 2010-2011 fiscal year, the sum of \$150,000 in  
179 nonrecurring revenue from the General Revenue Fund is  
180 appropriated to the Department of Children and Family Services  
181 for the purpose of modifying the children and families client  
182 and management information system to accommodate the reporting  
183 required under s. 409.146(3), Florida Statutes.

184 Section 5. This act shall take effect July 1, 2010.