

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

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29 specialty guardian ad litem's representation; providing
30 that the pilot program and specialty guardians ad litem
31 are subject to specified provisions relating to the
32 appointment of a guardian ad litem for an abused,
33 neglected, or abandoned child; amending s. 409.146, F.S.;
34 requiring the children and families client and management
35 information system to include information concerning the
36 status and outcomes of pregnant children and youth in
37 licensed care; requiring community-based providers and
38 subcontractors to report specified pregnancy and outcome
39 data to the Department of Children and Family Services;
40 specifying reporting procedures; providing appropriations;
41 providing an effective date.

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

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

47 39.822 Appointment of guardian ad litem for abused,
48 abandoned, or neglected child.—

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

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

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57 (c) Any person participating in a civil or criminal
58 judicial proceeding resulting from an ~~such~~ appointment pursuant
59 to this subsection shall be presumed prima facie to be acting in
60 good faith and in so doing shall be immune from any liability,
61 civil or criminal, that otherwise might be incurred or imposed.

62 Section 2. Section 39.8299, Florida Statutes, is created
63 to read:

64 39.8299 Specialty Guardian Ad Litem Pilot Program for
65 pregnant children or youth in out-of-home care.-

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

70 (2) The Specialty Guardian Ad Litem Pilot Program shall be
71 reviewed and evaluated upon completion of the 3-year initial
72 pilot program by the Statewide Guardian Ad Litem Office. The
73 review and evaluation shall be submitted to the President of the
74 Senate and the Speaker of the House of Representatives.

75 (3) The Specialty Guardian Ad Litem Pilot Program shall
76 not expand to other judicial circuits until the 3-year pilot
77 program is complete and has been reviewed and evaluated by the
78 Legislature.

79 (4) The Statewide Guardian Ad Litem Office shall designate
80 a guardian ad litem in the Fourth Judicial Circuit as the
81 administrator of the pilot program. The administrator must meet
82 the qualifications for guardians ad litem as specified in s.
83 39.821 and have 5 or more years of experience in the area of
84 child advocacy, child welfare, or juvenile law or as a program

85 attorney, case coordinator, or volunteer with the Statewide
86 Guardian Ad Litem Office. The executive director of the
87 Statewide Guardian Ad Litem Office shall supervise the
88 administration of the pilot program.

89 (5) The Statewide Guardian Ad Litem Office, in conjunction
90 with the pilot program, shall develop and implement a training
91 program for specialty guardians ad litem that includes all
92 training developed and provided for guardians ad litem pursuant
93 to s. 39.8296(2)(b)4. as well as training regarding:

94 (a) Social service programs available to pregnant women in
95 the state.

96 (b) The legal requirements of s. 390.01114.

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

100 (6) Using funds specifically appropriated for the pilot
101 program, the Statewide Guardian Ad Litem Office, in conjunction
102 with the pilot program, shall design and implement an
103 appropriate specialty guardian ad litem program and may
104 establish the number of specialty guardians ad litem needed to
105 meet the needs of the pilot program. An existing guardian ad
106 litem may serve as a specialty guardian ad litem only after
107 completing the additional training requirements specified in
108 subsection (5).

109 (7) The court shall appoint a specialty guardian ad litem
110 at the first hearing after the court is notified that the child
111 or youth is pregnant. If a guardian ad litem is representing the
112 child or youth at that time and is trained as a specialty

113 guardian ad litem, a new specialty guardian ad litem need not be
114 appointed. When a specialty guardian ad litem is appointed, the
115 court shall provide to the administrator, at a minimum, the name
116 of the child or youth, the location and placement of the child
117 or youth, the name of the department's authorized agent and
118 contact information, copies of all notices sent to the parent or
119 legal custodian of the child or youth, and any other information
120 or records concerning the child or youth. If a specialty
121 guardian ad litem is not available, then, pursuant to s.
122 39.822(1)(b), the court shall appoint a pro bono attorney or a
123 guardian ad litem if a pro bono attorney is not available.

124 (8) The specialty guardian ad litem's representation shall
125 be limited to proceedings initiated under this chapter, except
126 that, upon the request of the child or youth, the specialty
127 guardian ad litem may represent the child or youth in a
128 proceeding filed pursuant to s. 390.01114(4). The specialty
129 guardian ad litem does not have the authority to accept notice
130 of termination of pregnancy pursuant to s. 390.01114.

131 (9) Upon the direction of the court, the pilot program
132 administrator shall assign a specialty guardian ad litem who
133 shall represent the child or youth until 6 months after the
134 conclusion of the child or youth's pregnancy. Once assigned, the
135 specialty guardian ad litem shall replace any existing guardian
136 ad litem appointed for the child or youth if the existing
137 guardian ad litem is not trained as a specialty guardian ad
138 litem and shall represent the child or youth's wishes. The
139 specialty guardian ad litem shall not supersede the child or
140 youth's decision to seek a judicial waiver of notice as provided

141 in s. 390.01114(4), nor supersede a court-appointed attorney in
 142 a judicial waiver of notice as provided in s. 390.01114(4). Upon
 143 conclusion of the specialty guardian ad litem's representation
 144 of the child or youth, a guardian ad litem shall be appointed by
 145 the court at the earliest possible time.

146 (10) The pilot program and specialty guardians ad litem
 147 assigned pursuant to the pilot program are subject to s. 39.822.

148 Section 3. Subsections (3) through (9) of section 409.146,
 149 Florida Statutes, are renumbered as subsections (4) through
 150 (10), respectively, and a new subsection (3) is added to that
 151 section to read:

152 409.146 Children and families client and management
 153 information system.—

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

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

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

162 2. Whether the child or youth was pregnant prior to
 163 entering licensed care or became pregnant while in licensed
 164 care.

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

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

169 (c) Lead community-based providers and their
170 subcontractors shall notify the department within 7 days after
171 determining or discovering the pregnancy outcome of a child or
172 youth in licensed care, including whether the pregnancy was
173 terminated or resulted in a live birth, stillbirth, or fetal
174 death as defined in s. 382.002, and such data shall be entered
175 in the system. If the pregnancy resulted in a live birth, the
176 data shall also indicate whether the infant remains in the care
177 of the child or youth, has been placed for adoption, or has been
178 placed in other licensed care.

179 (d) Data provided to the department pursuant to this
180 subsection shall be entered, aggregated, and reported pursuant
181 to subsection (7) within 12 months after the Florida Safe
182 Families Network system is deployed to full production
183 operational status. In the interim, such data may be collected
184 and reported by other means.

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

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

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