

1 A bill to be entitled
 2 An act relating to the appointment of an attorney for
 3 a dependent child with disabilities; creating s.
 4 39.01305, F.S.; defining terms; providing legislative
 5 findings and intent; requiring an attorney to be
 6 appointed in writing; requiring that the appointment
 7 continues in effect until the attorney is permitted to
 8 withdraw or is discharged by the court or until the
 9 case is terminated; requiring that the attorney be
 10 adequately compensated for his or her service;
 11 providing a limitation; providing for conditional
 12 implementation; providing an effective date.

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

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 16 Section 1. Section 39.01305, Florida Statutes, is created
 17 to read:

18 39.01305 Appointment of an attorney for a dependent child
 19 with disabilities.—

20 (1) As used in this section, the term "dependent child
 21 with a disability" means a medically dependent or
 22 technologically dependent child who because of a medical
 23 condition requires continuous therapeutic interventions or
 24 supervision and resides in a skilled nursing facility or is
 25 being considered for placement in a skilled nursing facility.

26 (2) (a) The Legislature finds that all children in
 27 proceedings under this chapter have important interests at
 28 stake, such as health, safety, and well-being and the need to

29 obtain permanency.

30 (b) The Legislature also finds that a dependent child with
31 a disability, as defined in this section, has a particular need
32 for an attorney to represent the child in such proceedings, as
33 well as in fair hearings and appellate proceedings, so that the
34 attorney can address the medical and related needs and the
35 services and supports necessary for the child to live
36 successfully in the community.

37 (c) It is the intent of the Legislature that an attorney
38 be appointed by the court to represent each dependent child who
39 has a disability and who has been placed in a skilled nursing
40 facility, or is being considered for placement in a skilled
41 nursing facility, solely because that facility can provide
42 medical care as determined by a children's multidisciplinary
43 assessment team.

44 (3) An order appointing an attorney for a dependent child
45 who has a disability must be in writing.

46 (4) The appointment of an attorney for the dependent child
47 continues in effect until the attorney is permitted to withdraw
48 or is discharged by the court, or until the case is dismissed.
49 An attorney who is appointed to represent the child shall
50 provide the complete range of legal services from removal from
51 the home or initial appointment through all available appellate
52 proceedings. With the permission of the court, the attorney for
53 the dependent child may arrange for supplemental or separate
54 counsel to handle proceedings at an appellate hearing.

55 (5) The attorney must be adequately compensated and
56 provided with access to funding for expert witnesses,

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57 | depositions, and other costs of litigation.

58 | (6) This section does not negate the authority of the
59 | court to appoint an attorney for a dependent child in a
60 | proceeding under this chapter.

61 | (7) Implementation of this section is subject to
62 | appropriations expressly provided for this purpose.

63 | Section 2. This act shall take effect July 1, 2013.