

1 A bill to be entitled
 2 An act relating to attorneys for dependent children
 3 with disabilities; creating s. 39.01305, F.S.;
 4 defining the term "dependent child with a suspected or
 5 known disability"; providing legislative findings and
 6 intent; requiring an attorney to be appointed for a
 7 child in a proceeding under chapter 39, F.S., if the
 8 child has a suspected or known disability; requiring
 9 the appointment to be in writing; requiring that the
 10 appointment continues in effect until the attorney is
 11 allowed to withdraw or is discharged by the court or
 12 until the case is terminated; requiring that the
 13 attorney be adequately compensated for his or her
 14 services; providing for applicability; providing an
 15 effective date.

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

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 19 Section 1. Section 39.01305, Florida Statutes, is created
 20 to read:

21 39.01305 Appointment of an attorney for a dependent child
 22 with disabilities.-

23 (1) As used in this section, the term a "dependent child
 24 with a suspected or known disability" means:

25 (a) A medically dependent or technologically dependent
 26 child who because of a medical condition requires continuous

27 therapeutic interventions or skilled nursing supervision and
 28 resides in a skilled nursing facility or is being considered for
 29 placement in a skilled nursing facility;

30 (b) A dependent child who has been prescribed a
 31 psychotropic medication;

32 (c) A dependent child with a suspected diagnosis of
 33 developmental disability as defined in s. 393.063;

34 (d) A dependent child being placed in a residential
 35 treatment center or being considered for placement in a
 36 residential treatment center; or

37 (e) A dependent child who has been a victim or perpetrator
 38 of sexual abuse or human trafficking and who is suspected to be
 39 in need of mental health treatment.

40 (2) (a) The Legislature finds that:

41 1. All children in proceedings under this chapter have
 42 important interests at stake, such as health, safety, and well-
 43 being and the need to obtain permanency.

44 2. A dependent child with a suspected or known disability
 45 has a particular need for an attorney to represent the dependent
 46 child in such proceedings, as well as in fair hearings and
 47 appellate proceedings, so that the attorney may address the
 48 medical and related needs and the services and supports
 49 necessary for the child to live successfully in the community.

50 (b) It is the intent of the Legislature that the court
 51 appoint an attorney to represent each dependent child who has a
 52 suspected or known disability.

53 (3) An order appointing an attorney for a dependent child
54 who has a suspected or known disability must be in writing.

55 (4) The appointment of an attorney for a dependent child
56 with a suspected or known disability continues in effect until
57 the attorney is allowed to withdraw or is discharged by the
58 court, or until the case is dismissed. An attorney who is
59 appointed to represent the child shall provide the complete
60 range of legal services from removal from the home or initial
61 appointment through all available appellate proceedings. With
62 the permission of the court, the attorney for the dependent
63 child may arrange for supplemental or separate counsel to handle
64 proceedings at an appellate hearing.

65 (5) The attorney must be adequately compensated and
66 provided with access to funding for expert witnesses,
67 depositions, and other costs of litigation.

68 (6) This section does not limit the authority of the court
69 to appoint an attorney for a dependent child in a proceeding
70 under this chapter.

71 (7) Implementation of this section is subject to
72 appropriations expressly made for that purpose.

73 Section 2. This act shall take effect July 1, 2014.