

By Senator Galvano

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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;
6 providing that the Legislature intends that an
7 attorney be appointed for a child in a proceeding
8 under ch. 39, F.S., if the child has a suspected or
9 known disability; requiring the appointment to be in
10 writing; requiring that the appointment continue in
11 effect until the attorney is allowed to withdraw or is
12 discharged by the court or until the case is
13 terminated; requiring that the attorney be adequately
14 compensated for his or her services; providing for
15 applicability; providing an 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 "dependent child with
24 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;

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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 him or her in
46 such proceedings, as well as in fair hearings and appellate
47 proceedings, so that the attorney may address the medical and
48 related needs and the services and supports necessary for the
49 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

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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.