

By Senator Powell

24-01951A-23

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1                                   A bill to be entitled  
2       An act relating to regional counsel representation for  
3       child welfare matters; amending s. 27.511, F.S.;  
4       providing circumstances under which the regional  
5       counsel may represent indigent parents; amending s.  
6       39.301, F.S.; requiring the child protective  
7       investigator to provide to subjects of an  
8       investigation specified information relating to the  
9       rights of a parent or legal custodian; providing an  
10      effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14       Section 1. Paragraph (d) of subsection (6) of section  
15       27.511, Florida Statutes, is amended, and paragraph (e) is added  
16       to that subsection, to read:

17       27.511 Offices of criminal conflict and civil regional  
18       counsel; legislative intent; qualifications; appointment;  
19       duties.—

20       (6)

21       (d) Except as provided in paragraph (e), the regional  
22       counsel may not represent any plaintiff in a civil action  
23       brought under the Florida Rules of Civil Procedure, the Federal  
24       Rules of Civil Procedure, or federal statutes, and may not  
25       represent a petitioner in a rule challenge under chapter 120,  
26       unless specifically authorized by law.

27       (e) In child welfare matters, the regional counsel may  
28       provide preventative, prepetition legal representation to  
29       indigent parents who are the subject of child protective

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30 investigations conducted pursuant to s. 39.301. If such matters  
31 are related to the circumstances of the investigation and to the  
32 efforts by the parents to safely maintain the care and custody  
33 of their children, the regional counsel may appear in or  
34 initiate civil actions for such injunctions for protection  
35 against domestic violence, residential tenancies and housing,  
36 and determination of parentage. In prepetition matters, the  
37 regional counsel will determine, within 5 days of initial  
38 contact by a parent subject to investigation, whether the parent  
39 is indigent using the best available evidence. In determining  
40 indigency, the regional counsel will use the application form  
41 and indigency criteria used by the clerk of court pursuant to s.  
42 27.52 and the regional counsel will maintain documentation of  
43 the indigency determination in its files. If at any time after  
44 an initial determination of indigency is made, the regional  
45 counsel later determines that a person is not indigent, the  
46 regional counsel will cease to provide representation to the  
47 nonindigent person and will withdraw from any legal action in  
48 which the regional counsel has appeared.

49 Section 2. Paragraph (a) of subsection (5) and paragraph  
50 (a) of subsection (10) of section 39.301, Florida Statutes, are  
51 amended to read:

52 39.301 Initiation of protective investigations.—

53 (5) (a) Upon commencing an investigation under this part,  
54 the child protective investigator shall inform any subject of  
55 the investigation of the following:

56 1. The names of the investigators and identifying  
57 credentials from the department.

58 2. The purpose of the investigation and how the information

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59 provided by the subject may be used.

60 3. The right of the parent or legal custodian to obtain his  
61 or her own attorney and, if he or she cannot afford an attorney,  
62 the investigator shall inform the parent or legal custodian that  
63 he or she may choose to be represented by the office of criminal  
64 conflict and civil regional counsel during the investigation and  
65 the investigator shall provide the contact information for the  
66 local regional counsel office which offers representation before  
67 a petition is filed, if locally available, and ways that the  
68 information provided by the subject may be used.

69 4. The possible outcomes and services of the department's  
70 response.

71 5. The right of the parent or legal custodian to be engaged  
72 to the fullest extent possible in determining the nature of the  
73 allegation and the nature of any identified problem and the  
74 remedy.

75 6. The duty of the parent or legal custodian to report any  
76 change in the residence or location of the child to the  
77 investigator and that the duty to report continues until the  
78 investigation is closed.

79 (10) (a) The department's training program for staff  
80 responsible for responding to reports accepted by the central  
81 abuse hotline must also ensure that child protective responders:

82 1. Know how to fully inform parents or legal custodians of  
83 their rights and options, including their right to legal counsel  
84 and the availability to indigent parents or legal custodians of  
85 the opportunity to be represented by the office of criminal  
86 conflict and civil regional counsel, if locally available, and  
87 the opportunities for audio or video recording of child

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88 protective responder interviews with parents or legal custodians  
89 or children.

90 2. Know how and when to use the injunction process under s.  
91 39.504 or s. 741.30 to remove a perpetrator of domestic violence  
92 from the home as an intervention to protect the child.

93 3. Know how to explain to the parent, legal custodian, or  
94 person who is alleged to have caused the abuse, neglect, or  
95 abandonment the results of the investigation and to provide  
96 information about his or her right to access confidential  
97 reports in accordance with s. 39.202, prior to closing the case.

98 Section 3. This act shall take effect July 1, 2023.