

House Bill No. 439

An act relating to guardians ad litem; providing legislative intent; creating the Statewide Guardian Ad Litem Office within the Justice Administrative Commission; providing for the appointment of an executive director; providing for duties; providing oversight responsibility for local guardian ad litem and attorney ad litem programs; providing for the transfer of the attorney ad litem pilot program and the funds and positions associated with the Guardian Ad Litem Program to the Statewide Guardian Ad Litem Office; providing an effective date.

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

Section 1. Statewide Guardian Ad Litem Office; legislative findings and intent; creation; appointment of executive director; duties of office.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that for the past 20 years, the Guardian Ad Litem Program has been the only mechanism for best interest representation for children in Florida who are involved in dependency proceedings.

(b) The Legislature also finds that while the Guardian Ad Litem Program has been supervised by court administration within the circuit courts since the program's inception, there is a perceived conflict of interest created by the supervision of program staff by the judges before whom they appear.

(c) The Legislature further finds that the Governor's Blue Ribbon Task Force concluded that "if there is any program that costs the least and benefits the most, this one is it," and that the guardian ad litem volunteer is an "indispensable intermediary between the child and the court, between the child and DCF."

(d) It is therefore the intent of the Legislature to place the Guardian Ad Litem Program in an appropriate place and provide a statewide infrastructure to increase functioning and standardization among the local programs currently operating in the 20 judicial circuits.

(2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a Statewide Guardian Ad Litem Office within the Justice Administrative Commission. The Justice Administrative Commission shall provide administrative support and service to the office to the extent requested by the executive director within the available resources of the commission. The Statewide Guardian Ad Litem Office shall not be subject to control, supervision, or direction by the Justice Administrative Commission in the performance of its duties.

(a) The head of the Statewide Guardian Ad Litem Office is the executive director, who shall be appointed by the Governor from a list of a minimum

of three eligible applicants submitted by a Guardian Ad Litem Qualifications Committee. The Guardian Ad Litem Qualifications Committee shall be composed of five persons, two persons appointed by the Governor, two persons appointed by the Chief Justice of the Supreme Court, and one person appointed by the Statewide Guardian Ad Litem Association. The committee shall provide for statewide advertisement and the receiving of applications for the position of executive director. The Governor shall appoint an executive director from among the recommendations, or the Governor may reject the nominations and request the submission of new nominees. The executive director must have knowledge in dependency law and knowledge of social service delivery systems available to meet the needs of children who are abused, neglected, or abandoned. The executive director shall serve on a full-time basis and shall personally, or through representatives of the office, carry out the purposes and functions of the Statewide Guardian Ad Litem Office in accordance with state and federal law. The executive director shall report to the Governor. The executive director shall serve a 3-year term, subject to removal for cause by the Governor. Any person appointed to serve as the executive director may be permitted to serve more than one term.

(b) The Statewide Guardian Ad Litem Office shall, within available resources, have oversight responsibilities for and provide technical assistance to all guardian ad litem and attorney ad litem programs located within the judicial circuits.

1. The office shall identify the resources required to implement methods of collecting, reporting, and tracking reliable and consistent case data.

2. The office shall review the current guardian ad litem programs in Florida and other states.

3. The office, in consultation with local guardian ad litem offices, shall develop statewide performance measures and standards.

4. The office shall develop a guardian ad litem training program. The office shall establish a curriculum committee to develop the training program specified in this subparagraph. The curriculum committee shall include, but not be limited to, dependency judges, directors of circuit guardian ad litem programs, active certified guardians ad litem, a mental health professional who specializes in the treatment of children, a member of a child advocacy group, a representative of the Florida Coalition Against Domestic Violence, and a social worker experienced in working with victims and perpetrators of child abuse.

5. The office shall review the various methods of funding guardian ad litem programs, shall maximize the use of those funding sources to the extent possible, and shall review the kinds of services being provided by circuit guardian ad litem programs.

6. The office shall continue the attorney ad litem demonstration projects through at least October 1, 2004, and may conduct or contract for other demonstration projects, within funds appropriated or through gifts, grants,

or contributions for such purposes, to determine the feasibility or desirability of new concepts of organization, administration, financing, or service delivery designed to preserve the civil and constitutional rights and fulfill other needs of dependent children.

7. No later than October 1, 2004, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court an interim report describing the progress of the office in meeting the goals as described in this section. No later than October 1, 2004, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court a proposed plan including alternatives for meeting the state's guardian ad litem and attorney ad litem needs. This plan may include recommendations for less than the entire state, may include a phase-in system, and shall include estimates of the cost of each of the alternatives. Each year thereafter, the office shall provide a status report and provide further recommendations to address the need for guardian ad litem services and related issues.

Section 2. Transfer of existing programs.—

(1) The pilot program for attorneys ad litem for dependent children established in s. 39.4086, Florida Statutes, shall be transferred from the State Courts System to the Statewide Guardian Ad Litem Office within the Justice Administrative Commission. The Statewide Guardian Ad Litem Office shall submit the final report required by s. 39.4086(2)(h), Florida Statutes, by October 1, 2004.

(2) All funds and positions associated with the Guardian Ad Litem Program within the State Courts System are transferred by a type two transfer, pursuant to s. 20.06(2), Florida Statutes, to the Statewide Guardian Ad Litem Office within the Justice Administrative Commission on January 1, 2004, except that up to \$35,000 and one full-time equivalent position shall be transferred to the Justice Administrative Commission effective October 1, 2004, to pay for the salary and expenses of an executive director.

Section 3. This act shall take effect July 1, 2003.

Approved by the Governor May 27, 2003.

Filed in Office Secretary of State May 27, 2003.