

Committee on Children, Families, and Elder Affairs

CS/CS/HB 561 — Attorneys for Dependent Children with Special Needs

by Judiciary Committee; Civil Justice Subcommittee; and Rep. Fresen (CS/CS/CS/SB 972 by Appropriations Committee; Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senators Galvano, Bradley, and Gibson)

The bill requires the appointment of an attorney for any dependent child who has a specified special need.

The bill requires the court to appoint an attorney for dependent children who meet specific conditions. Such children reside in or are being considered for placement in a nursing facility, are prescribed but refuse a psychotropic medication, have a diagnosis of a developmental disability, are placed or considered for placement in a residential treatment center, or are victims of human trafficking. In addition, the 2014-2015 General Appropriations Act provides \$4.2 million in general revenue to the Justice Administrative Commission in specific appropriation 794 to contract for attorneys for dependent children with special needs.

The bill requires the court to request a recommendation from the Statewide Guardian Ad Litem Office before appointing a pro bono attorney to represent a child. If the Statewide Guardian Ad Litem Office cannot recommend a pro bono attorney, the court may appoint an attorney to be compensated by the Justice Administrative Commission.

The bill directs that the attorney representing the dependent child provide the complete range of legal services from removal from the home through all appellate proceedings. It authorizes the attorney, with court permission, to arrange for separate counsel for appeals.

The bill requires that, except for attorneys working without compensation, attorneys representing dependent children with disabilities be compensated and provided funding for expert witnesses, depositions, and other costs of litigation. It provides that payment of attorneys under this bill is subject to appropriations. Fees are capped at \$1,000 per child per year.

The bill directs the Department of Children and Families to develop procedures to identify a dependent child who has a special need and will need a court to appoint an attorney.

The bill preserves the power of the court to appoint an attorney for any dependent child under ch. 39, F.S.

If approved by the Governor, these provisions take effect July 1, 2014.

Vote: Senate 36-0; House 118-0