

By Senator Lee

24-00750D-13

20131468\_\_

1 A bill to be entitled

2 An act relating to the appointment of an attorney for  
3 a dependent child with disabilities; creating s.  
4 39.01305, F.S.; defining terms; providing legislative  
5 findings and intent; requiring an attorney to be  
6 appointed in writing; requiring that the appointment  
7 continues in effect until the attorney is permitted to  
8 withdraw or is discharged by the court or until the  
9 case is terminated; requiring that the attorney be  
10 adequately compensated for his or her service;  
11 providing a limitation; providing for a conditional  
12 implementation; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Section 39.01305, Florida Statutes, is created  
17 to read:

18 39.01305 Appointment of an attorney for a dependent child  
19 with disabilities.-

20 (1) As used in this section, the term "dependent child with  
21 a disability" means a medically dependent or technologically  
22 dependent child who because of a medical condition requires  
23 continuous therapeutic interventions or skilled nursing  
24 supervision and resides in a nursing home.

25 (2) (a) The Legislature finds that all children in chapter  
26 39 proceedings have important interests at stake, such as  
27 health, safety, and well-being and the need to obtain  
28 permanency.

29 (b) The Legislature also finds that dependent children who

24-00750D-13

20131468\_\_

30 have certain disabilities have a particular need for an attorney  
31 to represent them in such proceedings, as well as in fair  
32 hearings and appellate proceedings, so that the attorney can  
33 address the medical and related needs and the services and  
34 supports necessary for these children to live successfully in  
35 the community.

36 (c) It is the intent of the Legislature that an attorney be  
37 appointed by the court to represent each dependent child who has  
38 a disability and who has been placed in a skilled nursing  
39 facility, or is being considered for placement in a skilled  
40 nursing facility, solely because that facility can provide  
41 medical care as determined by a Children's Multi-Disciplinary  
42 Assessment Team staffing.

43 (3) An order appointing an attorney for a dependent child  
44 who has a disability must be in writing.

45 (4) The appointment of an attorney for the dependent child  
46 continues in effect until the attorney is permitted to withdraw  
47 or is discharged by the court or until the case is dismissed. An  
48 attorney who is appointed to represent the child shall provide  
49 the complete range of legal services from removal from the home  
50 or initial appointment through all available appellate  
51 proceedings. With the permission of the court, the attorney for  
52 the dependent child may arrange for supplemental or separate  
53 counsel to handle proceedings at an appellate hearing.

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

57 (6) This section does not negate the authority of the court  
58 to appoint an attorney for a dependent child in a proceeding

24-00750D-13

20131468\_\_

59 under this chapter, limit a dependent child's right to an  
60 attorney, or preclude an attorney from appearing on behalf of a  
61 dependent child.

62 (7) Implementation of this section is subject to  
63 appropriations expressly provided for this purpose.

64 Section 2. This act shall take effect July 1, 2013.