1 A bill to be entitled 2 An act relating to representation by the offices of 3 criminal conflict and civil regional counsel in child welfare matters; amending s. 27.511, F.S.; authorizing 4 5 the regional counsel to provide pre-petition legal 6 representation to indigent parents in certain child 7 welfare matters; authorizing the regional counsel to 8 initiate or appear in specified civil actions; 9 providing a mechanism for determining indigency by a 10 regional counsel; specifying procedures to be used if 11 a regional counsel determines a person is not 12 indigent; amending s. 39.301, F.S.; requiring child protective investigators to provide specified 13 14 information regarding potential representation by the regional counsel if certain criteria are met; 15 16 requiring child protective responders to know how to 17 inform parents and legal custodians about the right of certain parents to representation by the office; 18 19 providing an effective date. 20 21 Be It Enacted by the Legislature of the State of Florida: 22 23 Section 1. Paragraph (d) of subsection (6) of section 27.511, Florida Statutes, is amended and paragraph (e) is added 24 25 to subsection (6) of that section, to read: Page 1 of 5

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26 27.511 Offices of criminal conflict and civil regional 27 counsel; legislative intent; qualifications; appointment; 28 duties.-

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(6)

30 (d) <u>Except as provided in paragraph (e)</u>, the regional 31 counsel may not represent any plaintiff in a civil action 32 brought under the Florida Rules of Civil Procedure, the Federal 33 Rules of Civil Procedure, or federal statutes, and may not 34 represent a petitioner in a rule challenge under chapter 120, 35 unless specifically authorized by law.

36 (e) In any child welfare matter, the regional counsel is 37 expressly authorized to provide preventative, pre-petition legal representation to an indigent parent who is the subject of a 38 39 child protective investigation under s. 39.301. If the pre-40 petition legal representation is related to the investigation 41 and to the efforts by the parents to safely maintain the care 42 and custody of their children, the regional counsel may appear 43 in, or initiate, any civil action, including requesting an 44 injunction to protect against domestic violence, to defend the 45 right to residential tenancy or housing, and to determine 46 parentage. In pre-petition matters, the regional counsel must 47 determine, within 5 days after initial contact by a parent who is the subject of an investigation, whether the parent is 48 49 indigent, using the best available evidence. In determining indigency, the regional counsel must use the application form 50

Page 2 of 5

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51 and indigency criteria used by the clerk of court under s. 27.52 52 and must maintain documentation of the determination in its 53 files. If, at any time after an initial determination of indigency is made, the regional counsel determines that a person 54 55 is not indigent, the regional counsel must cease to provide 56 representation to the nonindigent person and must withdraw from 57 any legal action in which the regional counsel has appeared. 58 Section 2. Paragraph (a) of subsection (5) and paragraph (a) of subsection (10) of section 39.301, Florida Statutes, are 59 60 amended to read: 39.301 Initiation of protective investigations.-61 62 (5) (a) Upon commencing an investigation under this part, 63 the child protective investigator shall inform any subject of 64 the investigation of the following: The names of the investigators and identifying 65 1. credentials from the department. 66 67 2. The purpose of the investigation. 68 3. The right of any subject of the investigation to obtain 69 his or her own attorney. The investigator shall inform each 70 parent who is the subject of the investigation that any parent 71 who is unable to afford an attorney may choose to be represented 72 by the office of criminal conflict and civil regional counsel 73 during the investigation and the investigator shall provide the 74 contact information for the local regional counsel office that 75 offers pre-petition representation, if locally available and Page 3 of 5

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76 ways that the information provided by the subject may be used.
77 4. The possible outcomes and services of the department's

78 response.

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

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

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

90 1. Know how to fully inform parents or legal custodians of 91 their rights and options, including opportunities for audio or 92 video recording of child protective responder interviews with 93 parents or legal custodians or children.

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

97 3. Know how to explain to the parent, legal custodian, or 98 person who is alleged to have caused the abuse, neglect, or 99 abandonment the results of the investigation and to provide 100 information about his or her right to access confidential

Page 4 of 5

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101	reports in accordance with s. 39.202, prior to closing the case.
102	4. Know how to inform the parents or legal custodians of
103	their right to legal counsel and that indigent parents have the
104	right to be represented by the office of criminal conflict and
105	civil regional counsel, if locally available.
106	Section 3. This act shall take effect July 1, 2021.

Page 5 of 5

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