

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

29 (6)

30 (d) Except as provided in paragraph (e), 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
38 representation to an indigent parent who is the subject of a
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
48 is the subject of an investigation, whether the parent is
49 indigent, using the best available evidence. In determining
50 indigency, the regional counsel must use the application form

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
 54 indigency is made, the regional counsel determines that a person
 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
 59 (a) of subsection (10) of section 39.301, Florida Statutes, are
 60 amended to read:

61 39.301 Initiation of protective investigations.—

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:

- 65 1. The names of the investigators and identifying
 66 credentials from the department.
- 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

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.

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

83 | 6. The duty of the parent or legal custodian to report any
84 | change in the residence or location of the child to the
85 | investigator and that the duty to report continues until the
86 | 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.

94 | 2. Know how and when to use the injunction process under
95 | s. 39.504 or s. 741.30 to remove a perpetrator of domestic
96 | 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

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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.