

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 06-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 06-34**

**IN RE: AUTHORIZING THE
APPOINTMENT OF ADVOCATES FOR
TRANSITIONING FOSTER CARE
YOUTH IN MIAMI-DADE COUNTY**

WHEREAS, the Eleventh Judicial Circuit in and for Miami-Dade County, Florida established a Citizen Review Panel Program under § 39.702, Florida Statutes for the purpose of reviewing the status of foster children under supervision of the State of Florida; and

WHEREAS, in August of 2004, Judge Cindy Lederman, in her capacity of Administrative Judge of the Juvenile Division of the Eleventh Judicial Circuit ("Juvenile Court") convened an Advisory Panel on Independent Living to examine the status of service delivery to foster care youth in Miami-Dade County; and

WHEREAS, after studying findings from sixty (60) Citizen Review Panel hearings ("Reviews"), the Advisory Panel issued recommendations for system improvements, including that all foster care youth have thorough Reviews starting at age sixteen (16); and

WHEREAS, the Guardian Ad Litem Program, Lawyers for Children America and Dade County Legal Aid, in a collaborative effort, called the Miami Child Advocate Network ("MiamiCAN"), wish to assist in the implementation of the Advisory Panel's recommendations, with its primary goal being to assure that Miami-Dade foster care youth are prepared to live independently by using the citizen review process to monitor and enforce compliance with statutory requirements and with best practices; and

WHEREAS, Foster Care Review and its MiamiCAN partners were awarded a grant, for an eight (8) month period, from the Children's Trust ("Grant") in support of the MiamiCAN SAIL (System Accountability for Independent Living) Project (hereinafter referred to as "MiamiCAN Sail or Project"); and

WHEREAS, the Grant will enable Foster Care Review and its MiamiCAN partners to recruit and train volunteers to advocate for foster care youth (hereinafter

“Advocates”) to ensure that transitioning foster youth in the Miami-Dade County dependency system are receiving independent living services required by Chapter 39, Florida Statutes and § 409.1451, Florida Statutes; and

WHEREAS, in accordance with § 39.820, Florida Statutes, such Advocates may be a duly certified volunteer, a staff attorney, contract attorney, or certified pro bono attorney working on behalf of a guardian ad litem or the Guardian Ad Litem Program; staff members the Guardian Ad Litem Program office; a court-appointed attorney; or a responsible adult who is appointed by the court to represent the best interests of a child in a proceeding as provided for by law, including, but not limited to Chapter 39, Florida Statutes, who is a party to any judicial proceeding as a representative of the child, and who serves until discharged by the court; and

WHEREAS, upon being appointed by the Juvenile Court, the Advocate shall be empowered to act on behalf of the foster care youth in the same manner as a Guardian Ad Litem under the direction of the State of Florida Guardian Ad Litem Program or a Guardian Ad Litem Attorney through Lawyers for Children America; and

WHEREAS, such Advocates will assist the Juvenile Court in determining compliance with statutory requirements by, inter alia, attending Reviews conducted for transitioning youth ages 16 and over in accordance with § 39.701, Florida Statutes; and

WHEREAS, foster care youth will benefit from the assistance of an Advocate at such Reviews; and

WHEREAS, foster care youth will be encouraged to attend such Reviews, meet with their Advocates, and provide their input to the Citizen Review Panels; and

WHEREAS, findings and recommended orders from such Reviews will be provided by the Advocates to the Juvenile Court in preparation for the court hearings required by § 39.701(6), Florida Statutes; and

WHEREAS, in an effort to ensure and evaluate the success of the MiamiCAN SAIL Project, all parties involved with the Citizen Review Panels must work in good faith towards accomplishing the goals of the Project, collaborate in gathering data from the Reviews; and provide recommendations to the Juvenile Court upon the completion of the Project regarding ways in which to improve the review system;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, this Circuit hereby authorizes the appointment of Advocates to assist the transitioning foster care youth in Miami-Dade County at Citizen Review Panel hearings, subject to the following terms and conditions:

1. Advocates shall be individuals who have been duly trained and approved by Lawyers for Children America or the Guardian Ad Litem Program.

2. Advocates shall ensure that foster care youth are receiving services to prepare them for independent living; that foster care youth with serious legal issues are referred for further assistance; that youth interested in extended jurisdiction are provided the information they need; that community based care agencies responsible for the foster care youth are complying with their obligations; and that findings and recommendations from the Citizen Review Panel hearings are provided to the Juvenile Court for the Court's consideration and action.
3. Advocates shall have no duties to the foster care youth or the Citizen Review Panels outside of the Review and shall have no continuing responsibility beyond the specific Review at which they appear.
4. Advocates shall have access and the right to copy all records related to the best interests of the foster care youth who is the subject of the Review.
5. Advocates shall have the right to confer with the foster care youth, the case worker and others appearing at the Review.
6. Advocates may inform the foster care youth of all statutorily required services for the foster care youth and optional services that may be available.
7. Advocates may inform the Citizen Review Panel whether the available records and/or the foster care youth state that services have been provided or are due, and may advocate that the Citizen Review Panel make specific findings or recommended orders for the Court.
8. Advocates who are not attorneys may not argue legal positions on behalf of the foster care youth, but may make recommendations for services and procedures.
9. Advocates who are attorneys may make legal arguments, but by so doing are not undertaking a continuing representation of the foster care youth and are undertaking no duties outside the Citizen Review Panel at which they appear.

The Court also hereby orders that, at said Reviews, the Citizen Review Panel determine whether the foster care youth has been provided services in accordance with § 39.701(6)(a)(1) to (a)(10), Florida Statutes and provide such information to the Juvenile Court.

This Order shall take effect on July 3, 2006 and shall remain in effect until further order of the Court.

DONE AND ORDERED in Miami-Dade County this _____ day of June, 2006.

**JOSEPH P. FARINA, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**