

THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA

CASE NO. 14-1

ADMINISTRATIVE ORDER
NO. 14-08
(Rescinding AO 91-15)

IN RE: APPOINTING FOSTER CARE
REVIEW, INC., TO CONTINUE TO
ADMINISTER THE ELEVENTH
JUDICIAL CIRCUIT'S CITIZEN
REVIEW PANEL PROGRAM; RE-
ESTABLISHING PROCEDURES FOR
SUCH PROGRAM

WHEREAS, pursuant to Florida Statutes 39.701 and 39.702, Citizen Review Panels are permitted to conduct judicial reviews in dependency cases upon judicial referral; and

WHEREAS, pursuant to Florida Statute 39.702(2), Citizen Review Panels in Florida must be administered by a non-profit organization; and

WHEREAS, Administrative Order 91-15, issued by this court on June 25, 1991, authorized Foster Care Review, Inc., a non-profit organization operating in Florida, to administer the Citizen Review Panel Program in the Eleventh Judicial Circuit and Foster Care Review has continually done so since that time; and

WHEREAS, the Juvenile Division of the Eleventh Judicial Circuit and child welfare system stakeholders support the referral of cases to the Citizen Review Panel Program operated by Foster Care Review; and

WHEREAS, the Administrative Office of the Courts has responsibility for the efficient handling of dependency cases and supporting the effective operation of the Citizen Review Panel Program;

NOW, THEREFORE, I, BERTILA SOTO, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit, it is hereby **ORDERED**:

1. **AUTHORIZATION TO ADMINISTER CITIZEN REVIEW PANEL.** Foster Care Review, Inc. is hereby authorized to continue to administer the Citizen Review Panel Program for the Eleventh Judicial Circuit in accordance with this Administrative Order, applicable laws and the Florida Rules of Juvenile Procedure.

2. **ADMINISTRATION OF THE CITIZEN REVIEW PANEL PROGRAM.** The Citizen Review Panel Program shall be administered in accordance with the requirements delineated in Section 39.702(5), Florida Statute, as specifically set forth below:
- a. In collaboration with the Department of Children and Families (“Department”) develop policies to assure that citizen review panels comply with all applicable state and federal laws.
 - b. Establish policies for the recruitment, selection, retention, and terms of volunteer panel members. Final selection of citizen review panel members shall, to the extent possible, reflect the multicultural composition of the community which they serve. A criminal background check and personal reference check shall be conducted on each citizen review panel member prior to the member serving on a citizen review panel.
 - c. In collaboration with the Department, develop, implement, and maintain a training program for citizen review volunteers and provide training for each panel member prior to that member serving on a review panel. Such training may include, but shall not be limited to, instruction on dependency laws, departmental policies, and judicial procedures.
 - d. Ensure that all citizen review panel members have read, understood, and signed an oath of confidentiality relating to written or verbal information provided to the panel members for review hearings.
 - e. Establish policies to avoid actual or perceived conflicts of interest by panel members during the review process and to ensure accurate, fair reviews of each child dependency case.
 - f. Establish policies to ensure ongoing communication with the Department and the court.
 - g. Establish policies to ensure adequate communication with the parent, the foster parent or legal custodian, the guardian ad litem, and any other person deemed appropriate.
 - h. Establish procedures that encourage attendance and participation of interested persons and parties, including the parents, foster parents, or legal custodian with whom the child is placed, at citizen review hearings.
 - i. Coordinate with existing citizen review panels to ensure consistency of operating procedures, data collection, analysis, and report generation.

- j. Make recommendations as necessary to the court concerning attendance of essential persons at the review and other issues pertinent to an effective review process.
- k. Ensure consistent methods of identifying barriers to the permanent placement of the child and delineation of findings and recommendations to the court.
- l. Submit an annual report to the Chief Judge by January 15th of each year.

3. **CITIZEN REVIEW PANEL PROGRAM VOLUNTEERS:**

- a. Foster Care Review will recruit, train and supervise volunteer members of the Citizen Review Panel volunteer members and develop volunteer policies and standards in accordance with Florida statute and best practices for volunteer management.
- b. Citizen Review Panel members shall serve without compensation.
- c. Pursuant to Section 786.1355, Florida Statute, a member or agent of a Citizen Review Panel acting in good faith is not liable for damages as a result of any review or recommendation with regard to a dependency matter unless such member or agent exhibits wanton and willful disregard of human rights, safety, or property.

4. **CITIZEN REVIEW PANEL REFERRAL AND REVIEW:** Citizen Review Panel Hearings shall be conducted in accordance with all applicable Florida Statutes, Rules of Juvenile Rules of Procedure, and federal law, as follows:

- a. The Citizen Review Panel will conduct judicial reviews of children referred by the Juvenile Division.
- b. The court shall select the cases appropriate for referral to the Citizen Review Panel.
- c. The Clerk of the Court shall schedule reviews before the Citizen Review Panel in coordination with Foster Care Review and the court.
- d. Seventy-two (72) hours prior to the Citizen Review Panel's hearing, a Judicial Review Social Study Report (JRSSR) and attachments required pursuant to Fla. Stat. s. 39.701(b) must be filed by the Agency with the court and distributed to all parties and Foster Care Review, Inc.
- e. Foster Care Review may set a post-Judicial Review hearing before the court if the Citizen Review Panel: (1) finds the agency in non-compliance with its obligations as specified in the written case plan; (2) has serious concerns that

were identified during the panel's hearing; or (3) if the panel is recommending extending the permanency goal of reunification beyond 12 months from the date of removal.

- f. The Citizen Review Panel may not conduct more than two consecutive reviews without the child and the parties coming before the court for a judicial review.
- g. In accordance with Rule 8.255, Florida Rules of Juvenile Procedure, the child and the parents or the caregivers of the child may be examined separately and apart from each other.
- h. The Citizen Review Panel shall submit its written findings and recommendations report to the presiding judge within 10 days of its review hearing.

5. SPECIAL CONSIDERATIONS

Effective January 1, 2014, Section 39.625(18), Florida Statute permits young adults age 18-21 who were formerly in foster care to remain in licensed care under the jurisdiction of the court and in the care of the department. The court maintains jurisdiction over these young adults and is required to review their status every 6 months and to conduct a permanency hearing at least annually. The court may refer eligible young adults who opt into the extended foster care program to the Citizen Review Panel for regular reviews. The Office of the Clerk, Foster Care Review, agencies and the court shall work together to establish an effective referral process.

Administrative Order No. 91-15 is hereby rescinded in its entirety and held for naught.

This Administrative Order shall take effect immediately upon execution and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this 6th day of May, 2014.

Honorable Bertila Soto, Chief Judge
Eleventh Judicial Circuit of Florida