

Thursday, January 24, 2008, at 9:10 a.m.
Minutes for the Children's Issues Committee

1. Elisha Roy called the committee to order and advised the committee that an e-mail had gone out regarding approval of the September 2007 minutes. Patty Alexander made a motion and Tom Duggar seconded that motion to approve the September 2007 minutes. The motion was unanimously approved.

2. Old Business - Subcommittee Reports:

A. Heather Trailer reported on the Glitch Bill Keeping Children Safe Act. She reported the executive council approved the provisions of the proposed legislation and it is now with the lobbyist to fix the due process issue contained within Chapter 39.

B. Elisha Roy reported on the parenting bill status and stated that Senator Frish was sponsoring the bill and that the House would keep it adding child support language to that particular bill. Temporary modification of child support and child issues were also addressed and looks like it is going well.

C. Amy Hickman reported on the Adoption Bill and was happy to announce that it had been filed both in the House and the Senate with the help of Adoption Council. The Adoption Bill is Senate Bill 10-84 with Senator Nan Rich, and House Bill 663 with Dean Cannon as its sponsor in the House. Amy stated she spoke with Dean Cannon yesterday and briefed him. Amy also discussed that the recent Florida Bar Journal article talks about the need for the bill, as well.

D. GAL/AAL subcommittee - Kim Nutter reported that there is a need to educate everybody including the court about what the role of the attorney ad litem. Courts tend to combine the roles and responsibilities of the guardian ad litem and the attorney ad litem together and this creates great problems and issues for all. Kim Nutter stated distinguishing between attorney appointments and lay people in those areas is an issue. There are also training issues as to all areas which also include psychologists as Dr. Deborah O. Day commented. The committee passed around a subcommittee sign-up sheet to all subcommittee and visitor members so that participation can be made.

E. The GAL/AAL training program - Patty Alexander asked for an extension and would like to submit a report in March. She stated she has two new members that are on the subcommittee. Patty Alexander stated that there are funding issues and what are we going to be charging for registration for funding. Amy Hickman pointed out that if an attorney or if someone is obtaining the case pro bono, how is that funded. It was discussed that one can apply for a grant from one of the foundations. Tom Duggar stated that his sister grant rights. Tom Young with the state-wide GAL program spoke with regard to the GAL program. Patty Alexander stated we need uniformity throughout the state and as a long term goal by March, we should have a conceptual idea on paper on funding. Allyson Hughes stated that right now there is an ability to check out DVDs that already available and that possibly we should not be reinventing the wheel. There are CLE programs Podcasts 2 hours can get continuing legal education credits. She stated we should be able to link to the GAL website. Kim Enright stated that Florida legal services has provided grant money in the past and may give us money. Angela, an Orlando representative for fostering independents for use ages 13 through 18, talked about the program and that they have updated DVDs to get recent statutory changes. It was discussed that an 8-hour program CLE was available. A viewing of training can make it through the website. Director Angela Orkin is involved and brochures were passed out at the subcommittee meeting.

Elisha Roy stated the goal is getting people to take the training instead of recreating the wheel. We need to encourage GAL programs so that we can serve as guidelines. Kim Enright stated that Chapter 39 turning should be done as some crossover. Angel Bello Bellini stated that Chapter 39 and Chapter 69 are completely different animals and wanted to make sure that we don't dilute the pro bono pool from Legal Aid.

Elisha Roy stated that they would not dilute the mentorship program in the pool but just to get more people involved. The goal is if an attorney who has not done this kind of work before, they can get educated.

Kim Enright stated she would encourage attorneys to be attorney ad litem because there is a big need and not so much encourage attorneys to take guardian ad litem work. Elisha Roy stated it is different in every circuit, the goal is not to hinder or to hurt the process but to bring more people in. Allyson Hughes wants us to emphasize that all of us lawyers need to have a thinking and a paradigm shift focus on children and families, not on Chapter 39 different from Chapter 61 and we need to deal with these cases as part of our practice. She stated we all have an obligation to pass passion on to others. It was stated that there were lots of passionate people in each county willing to go to local family law committee meetings and speak positively to join. Deborah Foster is willing to match up people. There could be a possibility of putting an infomercial on our website about the positives of being a GAL for children. We could possibly get a cameo from Justice Quinn and put it on our website and link it to the GAL's website.

Patty Alexander stated that she has a telephonic meeting in February to report and get together in March creating a forum with Kim Nutter since Kim Nutter has great experience in that area.

F. Aging Out of DCF - Elisha stated that family law encompasses dependency. There is a need out there for children who have aged out of foster care. She stated that we could at least examine what we want to do. Heather Trailer spoke more on Aging Out and said the last meeting they had people from all over Florida with independent living issues. She stated that Palm Beach County has the best independent programs privately for these children. Bill Booth reported to Heather that there are approximately nine. Heather stated that in Broward County there is one such program. Hillsborough County has an independent living court. This is a court where a judge took interest in what happens to these children. DCF did not have a plan and a judge polices the process and told DCF agents that they need to find a place for the child. Susan Malucci stated that she would try and find interest in her circuit in what is best to get the word out. Bill Booth will see if judge could discuss at the conference is what Heather reported. Heather stated she saw an independent checklist but the independent checklist doesn't get done a lot. We should police DCF and make sure these case plans are finished properly. Heather will attend the panel discussion at Nova on February 14. Tom Young stated he is part of the appellate team and there is a 5th district opinion that DCF must follow the case law and there is an undisputed district court case that issues such as DCF returning money to social security and youths who are age 17 are in need of money to help in supporting themselves and in support of the independent living court. John Johnson reported that the Florida Supreme Court committee may be working on this with chair Judge Bowman in Hillsborough County with the proposed real change and John Johnson's suggestion was for the committee to contact them. Heather Trailer said this is a brain storming process regarding Aging Out, there is nothing that we were doing right, but the goal is positive not negative. Elisha Roy stated that the idea is brain storming so that a free flow of thought occurs.

G. Parenting Plan - Maria Gonzalez reported on the Parenting Plan subcommittee. She handed to the committee packets of various plans including Kansas and New Mexico which addresses both temporary and permanent situations. She also had obtained a Tennessee plan. This information was also provided to Ron Bornstein. The American Academy of Matrimonial Lawyers plan was also included but she reported this may be opening up a can of worms. Maria Gonzalez stated that Tennessee has a relocation within its parenting plan and, from her observation, that there were a lot of things included in the plans that go beyond being user-friendly possibly. She stated that these things we don't necessarily apply in our cases. Ron Bornstein will look at appointing a subcommittee regarding parenting plans.

Elisha stated that she and Jorge Cestero have every parenting plan from every circuit in preparation for speaking at the American Academy of Matrimonial Lawyers seminar. The big bar went through all the forms for privacy reasons and did review them.

Raymond McNeal made a plea that a committee be appointed fast track.

If we're going to work on all of this together, we need a uniform family court. We need coordination of efforts state-wide and we need a lot of work now and upfront. We need to make sure that all committees are involved and come to the table together. He also stated that we need to invite the Florida Coalition for Domestic Violence and Florida Legal Services and guardians ad litem all be invited to the table and he is making a personal plea as to that.

Elisha Roy stated that the only concern is if the parenting bill passes, every form needs to be changed. We may need to create an ad hoc committee independently from the Rules and Forms Committee. Currently the bill is 100 pages long. A suggestion was to split up the rules amongst groups of people so that they can be reviewed and revised. Raymond McNeal made a motion for Allison Hughes and the family law section people to be appointed to work on the parenting plan which was seconded by Charlotte Karlan. Raymond McNeal stated he has been inviting non-section members to be involved. Elisha Roy states she will be making a motion at executive council today.

A reminder was made the next meeting would be in June in Boca Raton.

The meeting was adjourned at approximately 10:40 p.m.