

Monday, May 21, 2012

Florida gets 'F' for legal rights of abused, neglected children

BY MARIE MENZEL
News Service of Florida

TALLAHASSEE — A report released this month has given Florida a failing grade for the legal rights it affords abused and neglected children.

The state-by-state study, "A Child's Right to Counsel: A National Report Card on Legal Representation for Abused and Neglected Children" was conducted by two national child advocacy organizations, First Star and the Children's Advocacy Institute at the University of San Diego School of Law.

The report graded each state and the District of Columbia on how well they protect the legal rights of abused and neglected children in dependency court. Florida was among the 10 states that failed.

Florida earned the low ranking because its law makes the appointment of an attorney for children in dependency cases discretionary, not mandatory. When an attorney is appointed, the duration of the appointment isn't specified. Florida was also cited for not addressing caseloads for attorneys in such cases.

But Alan Abramowitz, executive director of the statewide Guardian ad Litem Program, said the report compares apples and oranges when it comes to

Florida. Under the federal Child Abuse Prevention and Treatment Act, he said, the state has the option of choosing a different model from the one on which the study is based — an attorney for each child.

"Florida has chosen the model that has guardians ad litem or court-appointed special advocates," he said. "[The report] isn't measuring whether you get good outcomes for children — they're just measuring whether you have an attorney that represents the child's expressed wishes."

When the child's wishes are different from what the guardian ad litem recommends, Abramowitz said, the program is required by law to tell the judge what the child's wishes are.

According to the Florida Department of Children & Families, 31,692 children received out-of-home care, meaning they were removed from their homes because of safety concerns, in fiscal year 2010-2011.

Of those, said Abramowitz, 68 percent have a guardian ad litem. The program has 500 paid staff and 8,000 volunteers.

"We represent the child's best interests," he said. "And these volunteers do a lot more than what happens in court."

But a long-time attorney and child advocate, Andrea Moore, said that although

the guardians serve a real purpose, they don't work for the child.

"Their job is to develop an opinion of what's in the child's best interests," she said. "The attorneys for the Guardian ad Litem Program do not have an attorney-client relationship with the child. They work for the program."

Obituaries

Broward County

Berwick

Berwick, Joel, 90, of Coconut Creek, FL, previously Livingston, NJ, passed away May 13, 2012. Married to Miltz Berwick for 67 years. He was predeceased by their son Bruce, and survived by their son Mark. Joel served in the U.S. Army Signal Corps. during WWII. He was an accountant and a volunteer usher at the Broward Performing Arts Center. J.B. was an avid reader, animal lover, tennis player, and was a perfect gentleman. Surviving are his brother Melvin; sister Edie; grandchildren Jeff, Judy; granddaughter-in-law, Tricia; and great grandchildren Chloe and Chelsie. Funeral service at South Florida National Veterans Cemetery, Lake Worth, FL, Friday May 25, 2012 at 10:30 a.m. Family requests donations be made to the North Shore Animal League of America.

Mendez

Mendez, Pedro Domingo, 22, of Pembroke Pines, FL, passed away May 14, 2012. Boyd-Panciera Family Funeral Care.*

Meyer

Meyer, Irmgard, 85, of Ft. Lauderdale, FL, passed away on May 17, 2012. Forest Lawn Funeral Home, Pompano Beach.*

Myers

Myers, Mary Blanche, 104, passed away on May 16, 2012. Boyd-Panciera Family Funeral Care.*