

ORIGINAL

IN THE SUPREME COURT OF FLORIDA

FILED
THOMAS D. HALL
DEC 01 2000
CLERK, SUPREME COURT
BY _____

AMENDMENT TO **THE RULES OF**
JUVENILE PROCEDURE
Fla.R.Juv.P. 8.350

Case No. SC 00-2044

COMMENTS SUBMITTED BY THE
ADVOCACY CENTER FOR PERSONS WITH
DISABILITIES, INC.

STATEMENT OF INTEREST

The Advocacy Center for Persons with Disabilities, Inc., [hereinafter the Advocacy Center or the Center] by and through the undersigned attorney, is submitting these comments to proposed Fla. R. Juv. P. 8.350 entitled the "Placement of a Child into a Residential Treatment Center After the Adjudication of Dependency." The Juvenile Rules Committee of the Florida Bar filed the proposed rule with the Supreme Court on October 2, 2000 and the public notice of the proposed rule was published in the Florida Bar Weekly on November 1, 2000.

As this court has previously recognized, the Advocacy Center "is a Florida nonprofit corporation organized pursuant to Executive Order of the Governor which is charged with the responsibility of carrying out the federally mandated and funded protection and advocacy system for persons with disabilities in the State of Florida."

Krischer v. McIver, 697 So.2d 97, 102 (Fla. 1997).¹ The Advocacy Center is responsible under various interrelated federal statutory programs, to provide legal representation and other advocacy services on behalf of eligible persons with disabilities in Florida. The federal statutory programs (which collectively are referred to as the Protection and Advocacy statutes or programs) include the following:

(1) Part C of the Developmental Disabilities Assistance and Bill of Rights Act of 1975, 42 U.S.C. §§ 6041-43;

(2) The Protection and Advocacy for Individuals with Mental Illness Act of 1986 (the PAIMI Act), 42 U.S.C. §§ 10801-10851; and

(3) The Protection and Advocacy of Individual Rights (PAIR) Program of the Rehabilitation Act of 1973, 29 U.S.C. § 794e.

Under each of these programs, the Advocacy Center is authorized to engage in the following activities:

- investigate incidents of abuse or neglect of persons with disabilities;
- pursue administrative, legal and other appropriate remedies upon their behalf, to ensure enforcement of their constitutional and their federal and state statutory rights; and
- provide information and referrals relating to programs and services addressing the needs of such persons.²

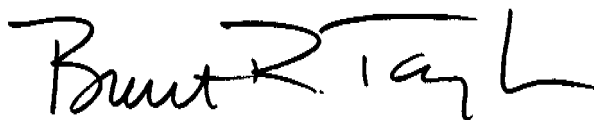
¹ See also, *Sanchez v. State*, 641 So.2d 433 (Fla. 3RD DCA 1994) [The Advocacy Center is a private nonprofit corporation which is Florida's designated protection and advocacy agency under the federal Protection and Advocacy for Mentally Ill Individuals Act of 1986, 42 U.S.C. §§ 10801-10851 (1986)]; *Doe v. Stincer*, 175 F.3d 879, 881 (11th Cir. 1999).

² See, *Doe*, 175 F.3d at 883; *Sanchez*, 641 So.2d at 433-34.

**SUMMARY OF THE POSITION OF
THE ADVOCACY CENTER**

The Advocacy Center has read and fully supports the alternative rule, and its supporting legal papers, filed with this court by the Children & Youth Law Clinic of the University of Miami School of Law.

Respectfully submitted,

A handwritten signature in black ink that reads "Brent R. Taylor". The signature is written in a cursive style with a large, sweeping initial "B" and a long horizontal stroke at the end.

**BRENT R. TAYLOR
Florida Bar No.: 400459**

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. mail this 1st day of December, 2000 to the Honorable John M. Alexander, Circuit Judge, St. Johns County Courthouse, Post Office Box 300, St. Augustine, Florida 32085-0300.

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By: Brent R. Taylor

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