

FLORIDA

<p>Structure, organization, and delivery of Child Representation State-by-state, county-by-county, etc.</p>	<p>Statewide office</p> <p>(1) Legislative findings and intent.--</p> <p>(a) The Legislature finds that for the past 20 years, the Guardian Ad Litem Program has been the only mechanism for best interest representation for children in Florida who are involved in dependency proceedings.</p> <p>(b) The Legislature also finds that while the Guardian Ad Litem Program has been supervised by court administration within the circuit courts since the program's inception, there is a perceived conflict of interest created by the supervision of program staff by the judges before whom they appear.</p> <p>(c) The Legislature further finds that the Governor's Blue Ribbon Task Force concluded that "if there is any program that costs the least and benefits the most, this one is it," and that the guardian ad litem volunteer is an "indispensable intermediary between the child and the court, between the child and DCF."</p> <p>(d) It is therefore the intent of the Legislature to place the Guardian Ad Litem Program in an appropriate place and provide a statewide infrastructure to increase functioning and standardization among the local programs currently operating in the 20 judicial circuits.</p> <p>(2) Statewide Guardian Ad Litem Office.--There is created a Statewide Guardian Ad Litem Office within the Justice Administrative Commission. The Justice Administrative Commission shall provide administrative support and service to the office to the extent requested by the executive director within the available resources of the commission. The Statewide Guardian Ad Litem Office shall not be subject to control, supervision, or direction by the Justice Administrative Commission in the performance of its duties, but the employees of the office shall be governed by the classification plan and salary and benefits plan approved by the Justice Administrative Commission.</p> <p>...</p> <p>(b) The Statewide Guardian Ad Litem Office shall, within available resources, have oversight responsibilities for and provide technical assistance to all guardian ad litem and attorney ad litem programs located within the judicial circuits. FLA. STAT. § 39.8296(1),(2), 2(b).</p>
<p>Funding Child Representation</p>	<p>5. The [Statewide Guardian Ad Litem Office] shall review the various methods of funding guardian ad litem programs, shall maximize the use of those funding sources to the extent possible, and shall review the kinds of services being provided by circuit guardian ad litem programs. FLA. STAT. § 39.8296(b)(5).</p>
<p>1. General Duties: Timely appointment, mandatory or discretionary, attorney or lay person, represent child's interests, undertake basic obligations, address conflict situations, address special needs and disabilities, and accommodate client</p>	<p>"Guardian ad litem" as referred to in any civil or criminal proceeding includes the following: a certified guardian ad litem program, a duly certified volunteer, a staff attorney, contract attorney, or certified pro bono attorney working on behalf of a guardian ad litem or the program; staff members of a 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, this chapter, who is a party to any judicial proceeding as a representative of the child, and who serves until discharged by the court. FLA. STAT. § 39.820(1).</p> <p>A child representative in Florida can be one of many advocates on a team:</p> <p>1. Guardian ad Litem (GAL) refers to the representative of the Program who is advocating for the best interests of the child.</p>

<p>preferences.</p>	<p>This term refers to a volunteer Guardian ad Litem, or in cases where a volunteer GAL is not available, a paid staff member. A GAL is a member of a team that includes a Child’s Best Interest (CBI) Attorney and a Child Advocate Manager (CAM).</p> <p>2. Child’s Best Interest (CBI) Attorney refers to the attorney employed by the Program to protect a child’s best interest either in the circuit dependency courts or the appellate courts. There is no attorney-client relationship between the CBI Attorney and the child; however, representing the best interest of the child is the sole purpose of their advocacy.</p> <p>3. Child Advocate Manager (CAM) refers to the Program subject matter expert who advises, coaches, manages, and supports volunteer GALs within the team model of advocacy. A CAM may also be asked to accept the role and responsibilities of a GAL for a child when a volunteer GAL is not available.</p> <p>4. Attorney ad Litem (AAL) refers to an attorney who is appointed by the court to represent the child. An attorney-client relationship exists between the AAL and the child.</p> <p>5. Pro Bono Attorney refers to an attorney who voluntarily may serve as a CBI Attorney or an AAL. A pro bono attorney can also be assigned a case as a guardian ad litem. Florida Guardian Ad Litem Program Standards, January 2015, at 7.</p> <p>(1) A guardian ad litem shall be appointed by the court at the earliest possible time to represent the child in any child abuse, abandonment, or neglect judicial proceeding, whether civil or criminal. Any person participating in a civil or criminal judicial proceeding resulting from such appointment shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any liability, civil or criminal, that otherwise might be incurred or imposed. FLA. STAT. § 39.822(1).</p> <p>(2)(a) The court shall appoint a guardian ad litem to represent the best interest of the child in any termination of parental rights proceedings and shall ascertain at each stage of the proceedings whether a guardian ad litem has been appointed. FLA. STAT. § 39.807.</p> <p>The Legislature finds and declares that the design and delivery of child welfare services should be directed by the principle that the health and safety of children should be of paramount concern and, therefore, establishes the following goals for children in shelter or foster care: . . .To have a guardian ad litem appointed to represent, within reason, their best interests and, where appropriate, an attorney ad litem appointed to represent their legal interests; the guardian ad litem and attorney ad litem shall have immediate and unlimited access to the children they represent. FLA. STAT. § 39.4085(20).</p>
<p>2. Out of Court - Actions to be Taken: Meet with child, undertake an investigation, provide advice and counseling, file pleadings, request services, address special needs, negotiate settlements</p>	<p>(b) The guardian ad litem has the following responsibilities:</p> <p>1. To investigate the allegations of the petition and any subsequent matters arising in the case and, unless excused by the court, to file a written report. This report must include a statement of the wishes of the child and the recommendations of the guardian ad litem and must be provided to all parties and the court at least 72 hours before the disposition hearing. ...</p> <p>3. To represent the best interests of the child until the jurisdiction of the court over the child terminates or until excused by the court.</p> <p>(c) A guardian ad litem is not required to post bond but shall file an acceptance of the office.</p> <p>(d) A guardian ad litem is entitled to receive service of pleadings and papers as provided by the Florida Rules of Juvenile Procedure.</p> <p>(e) This subsection does not apply to any voluntary relinquishment of parental rights proceeding. FLA. STAT. § 39.807.</p>

	<p>(c) Duties and Responsibilities. The guardian ad litem shall be a responsible adult, who may or may not be an attorney, or a certified guardian ad litem program, and shall have the following responsibilities:</p> <p>(1) To gather information concerning the allegations of the petition and any subsequent matters arising in the case and, unless excused by the court, to file a written report. This report shall include a summary of the guardian ad litem's findings, a statement of the wishes of the child, and the recommendations of the guardian ad litem and shall be provided to all parties and the court at least 72 hours before the hearing for which the report is prepared. FLA. R. JUV. P. 8.215(c)(1).</p> <p>(4) The guardian ad litem or the program representative shall review all disposition recommendations and changes in placements, and must be present at all critical stages of the dependency proceeding or submit a written report of recommendations to the court. Written reports must be filed with the court and served on all parties whose whereabouts are known at least 72 hours prior to the hearing. FLA. STAT. § 39.822(4).</p> <p>2. A. Child Visitation. It is best practice for the GAL to visit the child a minimum of once every month for the purpose of building a relationship with the child and gathering information that will allow the GAL to be the voice for the child in the courtroom and the community. Florida Guardian Ad Litem Program Standards, January 2015, at 8.</p>
<p>3. In Court – Active Participation in Hearings: Appear in court, explain proceedings to client, present evidence, ensure child is present, expand scope of representation into other needed areas, and undertake certain obligations post-disposition.</p>	<p>(b) The guardian ad litem has the following responsibilities:</p> <p>...</p> <p>2. To be present at all court hearings unless excused by the court... Fla. Stat. § 39.807.</p> <p>2.C. Supporting Child's Participation in Court. The GAL assigned to the child should determine the child's desire and willingness to participate in dependency proceedings and/or if it is in the child's best interest to participate. Florida Guardian Ad Litem Program Standards, January 2015, at 9.</p>
<p>4. Post-Hearing: Review courts order, communicate order to child, and monitor implementation of orders</p>	<p><i>No explicit legal authority or requirement</i></p>
<p>5. Appellate Advocacy: Decision to appeal, withdrawal, participation in appeal, conclusion by appeal.</p>	<p>(b) Who May Appeal. Any child, any parent, guardian ad litem, or any other party to the proceeding affected by an order of the lower tribunal, or the appropriate state agency as provided by law may appeal to the appropriate court within the time and in the manner prescribed by these rules. FLA. R. APP. P. 9.146(b).</p>
<p>6. Cessation of Representation: Contacts post representation,</p>	<p>(c) Duties and Responsibilities. The guardian ad litem shall be a responsible adult, who may or may not be an attorney, or a certified guardian ad litem program, and shall have the following responsibilities:</p>

if any	(3) To represent the interests of the child until the jurisdiction of the court over the child terminates, or until excused by the court. FLA. R. JUV. P. 8.215(c)(3) .
7. General Representation Rules: Administrative structure is clear for appointment, support and accountability of the CR. The child’s representative is independent from the court	<p>STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a Statewide Guardian Ad Litem Office within the Justice Administrative Commission. The Justice Administrative Commission shall provide administrative support and service to the office to the extent requested by the executive director within the available resources of the commission. The Statewide Guardian Ad Litem Office shall not be subject to control, supervision, or direction by the Justice Administrative Commission in the performance of its duties, but the employees of the office shall be governed by the classification plan and salary and benefits plan approved by the Justice Administrative Commission.</p> <p>(a) The head of the Statewide Guardian Ad Litem Office is the executive director, who shall be appointed by the Governor from a list of a minimum of three eligible applicants submitted by a Guardian Ad Litem Qualifications Committee. *** The Governor shall appoint an executive director from among the recommendations, or the Governor may reject the nominations and request the submission of new nominees. The executive director must have knowledge in dependency law and knowledge of social service delivery systems available to meet the needs of children who are abused, neglected, or abandoned. The executive director shall serve on a full-time basis and shall personally, or through representatives of the office, carry out the purposes and functions of the Statewide Guardian Ad Litem Office in accordance with state and federal law. The executive director shall report to the Governor. The executive director shall serve a 3-year term, subject to removal for cause by the Governor. Any person appointed to serve as the executive director may be permitted to serve more than one term.</p> <p>(b) The Statewide Guardian Ad Litem Office shall, within available resources, have oversight responsibilities for and provide technical assistance to all guardian ad litem and attorney ad litem programs located within the judicial circuits. FLA. STAT. § 39.8296.</p> <p>(a) Request. At any stage of the proceedings, any party may request or the court may appoint a guardian ad litem to represent any child alleged to be dependent.</p> <p>(b) Appointment. The court shall appoint a guardian ad litem to represent the child in any proceeding as required by law and shall ascertain at each stage of the proceeding whether a guardian ad litem should be appointed if one has not yet been appointed. FLA. R. JUV. P. 8.215(a)-(b), 8.617(a)-(b).</p> <p>(a) Request. At any stage of the proceedings, any party may request or the court may consider whether an attorney ad litem is necessary to represent any child alleged to be dependent, if one has not already been appointed.</p> <p>(b) Appointment. The court may appoint an attorney ad litem to represent the child in any proceeding as allowed by law. Fla. R. Juv. P. 8.217(a)-(b).</p>
8. Lawyer Training: Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.	The [GAL Program] shall develop a guardian ad litem training program. The office shall establish a curriculum committee to develop the training program specified in this subparagraph. The curriculum committee shall include, but not be limited to, dependency judges, directors of circuit guardian ad litem programs, active certified guardians ad litem, a mental health professional who specializes in the treatment of children, a member of a child advocacy group, a representative of the Florida Coalition Against Domestic Violence, and a social worker experienced in working with victims and perpetrators of child abuse. FLA. STAT. § 39.8296(b)(4) .

	<p>A Guardian ad Litem must successfully complete 30 hours of certification training and 6 hours annually of re certification training, and spend an average of 10 hours per month working on the case (as with any average, some cases will involve more time, and some less time). Florida Guardian ad Litem Program, Volunteer Frequently Asked Questions.</p> <p>By completing the required training, pro bono attorneys will receive 8 hours of continuing legal education (CLE) credit, including 1 ethics credit. Florida Guardian ad Litem Program, Pro Bono Attorneys Frequently Asked Questions.</p> <p>In cases alleging sexual abuse, the court must appoint an attorney ad litem or a guardian ad litem for the child if one has not already been appointed. Any attorney ad litem or guardian ad litem appointed shall have special training in the dynamics of child sexual abuse. FLA. STAT. 39.0139(4)(a).</p> <p>3.B. Guardian ad Litem Pre-Certification Training. A guardian ad litem volunteer applicant must successfully complete 30 hours of pre-certification training provided by the Program prior to being certified as a GAL. Florida Guardian Ad Litem Program Standards, January 2015, at 11.</p> <p>3.D. Guardian ad Litem Program In-Service Training. All GAL staff and volunteer GALs must complete a minimum of 12 hours per year of in-service training approved by the Circuit Director. Florida Guardian Ad Litem Program Standards, January 2015, at 12.</p>
<p>9. Lawyer Compensation: Adequate and timely compensation, reimbursement provided for expenses.</p>	<p><i>No explicit legal authority or requirement regarding lawyers appointed as counsel for children. Lawyers affiliated with the GAL Program are either pro bono volunteers or are on salary.</i></p> <p>(2) In those cases in which the parents are financially able, the parent or parents of the child shall reimburse the court, in part or in whole, for the cost of provision of guardian ad litem services. Reimbursement to the individual providing guardian ad litem services shall not be contingent upon successful collection by the court from the parent or parents. FLA. STAT. § 39.822(2).</p>
<p>10. Caseload Levels: Caseloads are of a manageable size.</p>	<p><i>No explicit legal authority or requirement.</i></p>