

FLORIDA	Legal Authority
	GENERAL DUTIES AND ACTIVITIES OF THE CHILD’S LEGAL REPRESENTATIVE
<p>1. General Duties: <i>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 preferences.</i></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. Ann. Stat. § 39.820(1).</p> <p>- Under the auspices of the Florida Statewide GAL Program, children are typically appointed a lay volunteer GAL. “The Program uses a team approach to represent children. Volunteers work directly with the case coordinators in their advocacy for children. The case coordinator is a central player in the GAL team. Program attorneys provide legal advice on cases and complement other members of the team in advocating for the best interests of children. The role of the GAL in court proceedings is distinct because the GAL is the only party mandated to advocate solely for the best interests of the children.” Statewide Guardian ad Litem Office, Standards of Operation, § 1.1.</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. Ann. Stat. § 39.822.</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. Ann. Stat. § 39.807.</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.</p> <p>(c) Duties and Responsibilities. The attorney ad litem shall be an attorney who has completed any additional requirements as provided by law. The attorney ad litem shall have the responsibilities provided by law.¹</p> <p>(d) Service. An attorney ad litem shall be entitled to receive service of pleadings and papers as provided by rule</p>

¹ It should be noted that there are no additional provisions of law that spell out the duties, responsibilities, or requirements of attorneys ad litem.

8.225. R. Juv. Proc. 8.217.

- 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).

- (a)(3) Whenever the department believes that a child in its legal custody may require placement in a residential treatment center or hospital, the department shall arrange to have the child assessed by a qualified evaluator as provided by law and shall file notice of this with the court and all parties. Upon the filing of this notice by the department, the court shall appoint a guardian ad litem for the child, if one has not already been appointed, and may also appoint an attorney for the child. Both the guardian ad litem and attorney, if appointed, shall meet the child and shall have the opportunity to discuss the child's suitability for residential treatment with the qualified evaluator conducting the assessment. Upon the completion of the evaluator's written assessment, the department shall provide a copy to the court and to all parties. The guardian ad litem shall also provide a written report to the court and to all parties indicating the guardian ad litem's recommendation as to the child's placement in residential treatment and the child's wishes.

. . .

(6) The guardian ad litem must be represented by an attorney at all proceedings under this rule, unless the guardian ad litem is acting as an attorney. If the department's motion, the guardian ad litem's report, or another party based on communication with the child indicates that the child does not agree with the department's motion, then the court shall appoint an attorney to represent the child, if one has not already been appointed.

(7) Upon the filing of a motion for placement, the court shall set the matter for a status hearing within 48 hours, excluding weekends and holidays. The department shall timely provide notice of the date, time, and place of the hearing to all parties and participants.

(8) The child's attorney or guardian ad litem shall notify the child of the date, time, and place of the hearing. No hearing shall proceed without the presence of the child's guardian ad litem and attorney, unless excused by the court for good cause shown. Should the hearing occur in the absence of the guardian ad litem and attorney, upon request the court shall set the matter for an additional hearing within 24 hours, at which time the attorney and guardian ad litem shall be present.

(9) If the child appears at the status hearing not represented by an attorney, the court shall directly inquire of the child whether he or she disagrees with the motion for placement. If the child does not appear and is not represented by an attorney at the status hearing, the court shall diligently pursue all available information to determine if the

	<p>child disagrees with the department's motion for placement. If no party disagrees with the department's motion at the status hearing, then the motion for placement may be approved by the court. However, if any party, including the child, disagrees, then the court shall set the matter for hearing within 10 working days.</p> <p>(10) If counsel is not immediately available to represent the child, and the court determines that the child will be harmed if the hearing on placement is postponed, then the hearing may be held in the absence of counsel. The child shall be present at the hearing unless the court determines pursuant to subdivision (c) that a court appearance is not in the child's best interest. In such circumstances, the child shall be provided the opportunity to express his or her views to the court by a method deemed appropriate by the court. Further, if counsel is not available at the time of the hearing, counsel shall be appointed as soon as practical thereafter and the court shall set an additional hearing at which time both counsel and the child shall be present.</p> <p>(11) Hearing on Placement.</p> <p>(A) At the hearing, the court shall consider, at a minimum, all of the following:</p> <ul style="list-style-type: none"> (i) based on an independent assessment of the child, the recommendation of a department representative or authorized agent that the residential treatment or hospitalization is in the child's best interest and a showing that the placement is the least restrictive available alternative; (ii) the recommendation of the guardian ad litem; (iii) a case review committee recommendation, if there has been one; (iv) the written findings of the evaluation and suitability assessment prepared by a qualified evaluator; and (v) the views regarding placement in residential treatment that the child expresses to the court. <p>(B) All parties shall be permitted to present evidence and witnesses concerning the suitability of the placement.</p> <p>(C) If the court determines that the child is not suitable for residential treatment, the court shall order the department to place the child in the least restrictive setting that is best suited to meet the child's needs.</p> <p>(b) Continuing Residential Placement Reviews.</p> <p>(1) The court shall conduct a hearing to review the status of the child's residential treatment plan no later than 3 months after the child's admission to the residential treatment program. . .</p> <p>(2) Review hearings shall be conducted every 3 months thereafter, until the child is placed in a less restrictive setting. At each 3-month review hearing, if the child appears and is not represented by an attorney, the court shall directly inquire of the child whether he or she disagrees with continued placement. If the child does not appear and is not represented by an attorney, the court shall diligently pursue all information available to determine if the child disagrees with continued placement. If the court determines that the child disagrees with the continued placement, the court shall appoint an attorney for the child. R. Juv. Proc. 8.350.</p>
<p>2. Out of Court - Actions to be Taken: <i>Meet with</i></p>	<p>- The duties, responsibilities, and roles performed by a guardian ad litem in a particular case vary based upon the type of case assigned. Pursuant to §39.807(2)(b), Florida Statutes, and Rule 8.215, Florida Rules of Juvenile</p>

child, undertake an investigation, provide advice and counseling, file pleadings, request services, address special needs, negotiate settlements

Procedure, the guardian ad litem has the responsibility to investigate and file reports regarding the allegations of the petition and any subsequent matters arising in the case. This report must include a statement of the child's wishes and the guardian ad litem must provide a copy to all parties and the court at least 72 hours before the disposition hearing. The guardian ad litem must be present at all court hearings unless excused by the court and shall represent the best interests of the child until the jurisdiction of the court over the child terminates or until excused by the court. [Guardian Ad Litem Revised Program Attorney Standards of Practice](#) at 1 ("Definitions").

- (b) The guardian ad litem has the following responsibilities:

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.

...

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.

(c) A guardian ad litem is not required to post bond but shall file an acceptance of the office.

(d) A guardian ad litem is entitled to receive service of pleadings and papers as provided by the Florida Rules of Juvenile Procedure.

(e) This subsection does not apply to any voluntary relinquishment of parental rights proceeding. [Ann. Stat. § 39.807](#).

- It is the responsibility of the Program Attorney to regularly and frequently communicate with the GAL Program. This contact shall be verbal and written. Program Attorneys shall maintain a courteous and respectful relationship with GAL Program volunteers. [Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 1.1.](#)

- The Program Attorney shall maintain dignified, polite, and respectful behavior at all times. The Program Attorney shall wear professional and appropriate clothing. [Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 1.2.](#)

- The Program Attorney shall protect and promote the GAL Program's credibility. The Program Attorney shall at all times communicate in a dignified, polite, and respectful manner with all outside agencies and professionals. The Program Attorney shall present a positive image of the GAL Program at community functions and meetings. The Program Attorney shall return phone calls, e-mails, and other correspondence in a timely manner. [Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 1.3.](#)

- The Program Attorney shall avoid all potential and actual conflicts of interest. The Program Attorney shall at all

times comply with Rule 4-1, Rules Regulating the Florida Bar, and the Conflict of Interest Standard as detailed in Standard 2.4 of the GAL Standards of Operation. [Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 1.7.](#)

- This section governs key aspects of the Program Attorney's role but is not to be considered exhaustive, as position descriptions may specify additional tasks and responsibilities. In all cases, the Program Attorney shall act as an advocate and use every practice skill appropriate to obtain a result favorable to the child's best interests. As needed, the Program Attorney shall be available to discuss the nature of the proceedings with the child except when the child is represented by counsel. The Program Attorney should use sound judgment and reasonable diligence when explaining the nature of the legal proceedings to the child. Prior to any communication with the child, the Program Attorney shall explain the role of the GAL Program and the Program Attorney, including the fact that no confidentiality provisions exist between the Program Attorney and the child. [Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.](#)

- The Program Attorney shall develop a legal strategy to follow at hearings and all stages of the dependency proceeding. The Program Attorney and the case coordinator shall attempt to define the goals of the case and develop steps necessary to reach the desired outcomes.

The Program Attorney should encourage settlements to the extent that the proposed settlement is in the best interests of the child. The Program Attorney should oppose any proposed settlement agreement that is deleterious to the best interests of the child, despite the agreement of some or all of the parties. Prior to entering into any settlement negotiations or agreement, the Program Attorney should have sufficient knowledge of the strengths and weaknesses of the case, or of the issue under negotiation, to enable the Program Attorney to adequately advise as to the risks and benefits of settlement. Case strategies that may have statewide significance shall be discussed with the Supervising Attorney and Program Director, who shall also notify the appropriate Regional Attorney.

If a conflict exists between the legal strategies of the Program Attorney and the GAL Program staff or volunteer, the Program Attorney shall notify the Supervising Attorney and Program Director, and follow the decision-making process contained in Standard 4.6 of the GAL Standards of Operation. [Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.1.2.](#)

- A Program Attorney shall appear as legal counsel on all cases to which the Program is appointed and provide counsel and legal strategy for developing advocacy regarding the child's best interest and shall fully participate in best interest determinations. [Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.3.](#)

- The Program Attorney shall thoroughly and adequately prepare for all court proceedings. [Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.4.](#)

- The Program Attorney shall timely file all appropriate pleadings, motions, GAL Program Reports, and legal memoranda. In the event a report is going to be filed late, the Program Attorney shall notify the Supervising Attorney. However, the Program Attorney should proceed with the filing of a late report unless the Program Attorney, in consultation with the Supervising Attorney, determines that the report lacks legal sufficiency or is otherwise objectionable. [Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.4.1.](#)

- The Program Attorney should communicate with the GAL Program before all hearings to discuss the GAL Program's position at the hearing and what will potentially occur during the hearing. This communication should occur far enough in advance of the hearing to allow the Program Attorney sufficient time to prepare. [Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.4.2.](#)

- The Program Attorney shall comply with all rules of discovery as specified in the Florida Rules of Juvenile Procedure, including the filing of demands for discovery, replies to the discovery requests of other parties, and necessary discovery motions. The Program Attorney shall ensure that the GAL Program complies with all rules of discovery and shall assist in such compliance, including the timely redaction of work product from GAL Program files and the timely review and response to the discovery requests and motions of other parties. [Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.4.3.](#)

- The Program Attorney shall subpoena witnesses and documents according to the procedures specified in the Florida Rules of Juvenile Procedure and/or as necessary to advance the child's best interest. [Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.4.4.](#)

- When the child is of the appropriate level of maturity, as determined in consultation with the case coordinator and/or volunteer, the child shall be made aware of his or her right to be present at hearings, pursuant to Florida Rules of Juvenile Procedure 8.255(b). As appropriate, the Program Attorney shall file a motion to require the presence of the child.

If the child has been subpoenaed by another party to testify at a hearing, the GAL Program shall determine whether it is appropriate for the child to testify, considering the necessity, possible benefits, and repercussions of the child's testimony. Consideration should also be given to the availability of other evidence, including evidence admissible through hearsay exceptions that may substitute for direct testimony.

If the GAL Program determines testifying to be contrary to the child's best interests, the Program Attorney shall seek agreement of all parties to refrain from calling the child as a witness. In the absence of such agreement and when appropriate, the Program Attorney shall seek other remedies, such as court orders limiting the scope or circumstances of the child's testimony. If the child is compelled to testify, the Program Attorney should seek to minimize the negative consequences of such testimony by seeking appropriate accommodations allowed by law, such as in-camera testimony or testimony via closed circuit television.

If the child is compelled to testify, the Program Attorney shall ensure the child is prepared to testify. If an attorney ad litem is appointed to the child, preparation for court testimony should be conducted in collaboration with the child's attorney. [Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.4.5.](#)

- The Program Attorney shall fully understand and comply with all relevant state and federal statutes, regulations, policies, rules, and case law including but not limited to the following:

1. Chapter 39, Florida Statutes;
2. Florida Rules of Juvenile Procedure;
3. Florida Evidence Code;
4. Interstate Compact on Placement of Children;
5. Florida Rules of Professional Conduct;
6. Florida Rules of Appellate Procedure;
7. Florida Administrative Code;
8. Adoption and Safe Families Act, Adoption Assistance and Child Welfare Act, Child Abuse Prevention and Treatment Act, Indian Child Welfare Act, Multiethnic Placement Act, regulations promulgated pursuant to these federal Acts, and other statutes, regulations, policies, and procedures regarding child abuse and neglect; and
9. Relevant state and federal case law regarding child abuse and neglect.

[Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.5.](#)

- The Program Attorney shall make any and all appropriate motions and evidentiary objections to advance the GAL Program's position during court proceedings. When appropriate, the Program Attorney should file memoranda in support of the GAL Program's position. The Program Attorney shall preserve all legal issues for appeal. [Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.6.1.](#)

- The Program Attorney shall prepare and present exhibits as necessary to prove the prima facie elements of the legal position determined by the GAL Program to serve the child's best interests. The Program Attorney must be prepared to establish the necessary foundation for admitting documents, photographs, and physical objects into

	evidence. When deemed appropriate, the Program Attorney should also be prepared to challenge exhibits offered by other parties. Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.6.4.
3. In Court - Active Participation in Hearings: <i>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.</i>	<p>- (b) The guardian ad litem has the following responsibilities: ...</p> <p>2. To be present at all court hearings unless excused by the court... Ann. Stat. § 39.807.</p> <p>- The Program Attorney shall at all times act in a professional and ethically responsible manner. Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 1.</p> <p>- The Program Attorney shall appear and participate in all court proceedings, mediations, depositions, negotiations, pretrial conferences, and staffings. Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.2.</p> <p>- The Program Attorney shall advocate for timely hearings to ensure that permanency for the child is reached as quickly as possible. The Program Attorney shall only request case continuances in extraordinary circumstances, pursuant to Florida Statutes, and shall make reasonable efforts to expeditiously conclude litigation. Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.3.1.</p> <p>- The Program Attorney shall appear and participate in all court proceedings related to his or her cases. The Program Attorney should present at every hearing all facts relevant to the child's best interests, appropriate dispositional remedies, and appropriate court orders. The Program Attorney shall ensure the facts and arguments are presented to the court which address the appropriate aspects of the litigation, including but not limited to:</p> <ol style="list-style-type: none"> 1. analysis of any allegations of abuse, neglect, or risk; 2. analysis of facts to be considered in a determination related to custody and visitation, including sibling visitation; 3. placement of the child; 4. services to be made available to the child and family; 5. dispositional alternatives for the child or parents; 6. the child's wishes; and 7. other issues the GAL Program deems essential to the child's best interests. <p>Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.6.</p> <p>- The Program Attorney shall present all witnesses as necessary to prove the prima facie elements of the legal</p>

	<p>position determined by the GAL Program to serve the child's best interests. The witnesses should be prepared in advance, and the Program Attorney must be aware of the evidence to be provided through the witness. The Program Attorney shall also be prepared to cross-examine other parties' witnesses in an effective manner. Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.6.3.</p>
<p>4. <i>Post-Hearing:</i> Review courts order, communicate order to child, and monitor implementation of orders.</p>	<ul style="list-style-type: none"> - When appropriate, the Program Attorney shall prepare requested findings of fact, conclusions of law, and proposed orders. All post-hearing submissions shall be drafted in such a manner as to preserve issues for appeal. All counsel of record must receive a copy of post-hearing submissions filed by the Program Attorney. Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.7. - The Program Attorney must review all proposed orders submitted to the court upon receipt to ensure that the proposed orders are accurate, preserve appellate issues, and clearly state desired outcomes. If a proposed order is drafted incorrectly, the Program Attorney shall act in a timely and appropriate manner to correct the record, such as by filing objections to the proposed order or by filing a separate proposed order. In the event a signed order is received which was not previously provided to the Program, the Program Attorney shall review for consistency with the oral pronouncement and make the appropriate legal motion if needed. Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.7.1. - The Program Attorney shall follow all court orders and shall make reasonable efforts to ensure that the GAL Program complies with all court orders. If compliance with a court's order will jeopardize the child's best interests, the Program Attorney should consider filing a motion for rehearing or an appeal. <p>If the failure of another party to comply with a court order affects the best interests of the child, the Program Attorney shall: 1) contact counsel for the offending party (or contact the offending party when unrepresented) to provide notice of the violation and to provide notice of the GAL Program's intent to seek enforcement of the order; 2) determine whether to file a motion to compel compliance with the order and obtain a ruling from the court if the violation is not remedied; and 3) consult with the Supervising Attorney who shall consult with the Program Director to determine whether to file a motion for an order to show cause if the offending party fails to remedy the non-compliance after being ordered to comply. Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.7.2.</p>
<p>5. <i>Appellate Advocacy:</i> Decision to appeal, withdrawal, participation</p>	<ul style="list-style-type: none"> - When an appellate issue arises, the Program Attorney should discuss the appellate issue with the Supervising Attorney, who will then communicate the issue to the Circuit Director. The Supervising Attorney or Circuit

<p><i>in appeal, conclusion by appeal.</i></p>	<p>Director shall then advise the Appellate Team Supervisor of the issue at the earliest opportunity.</p> <p>The Program Attorney shall notify the Circuit Appellate Coordinator immediately upon the filing of an appeal by any party other than the GAL Program. The Circuit Appellate Coordinator shall then notify the appellate team assistant of the appeal by email. An appellate tracker report should then be prepared and all preliminary documents emailed or faxed to the Appellate Team Assistant. The Program Attorney shall consider and discuss with the Supervising Attorney the possibility and necessity of a direct appeal by the GAL Program. The decision to appeal is a joint decision between the Program Attorney, the Supervising Attorney, and the Appellate Team Supervisor, and may only be undertaken where there is an appropriate legal basis.</p> <p>After a decision to file a direct appeal on behalf of the GAL Program is made, the Program Attorney, with assistance from the Appellate Team, will have the responsibility of perfecting the appeal by filing the required documents with the circuit court clerk within the prescribed time frames. After perfection, all pleadings, including motions and briefs, shall be filed by the Appellate Team Attorney in conjunction with the Appellate Supervisor. If the Program Attorney desires to participate in the appeal by drafting his/her own brief, s/he must obtain prior approval from the Appellate Supervisor. Thereafter, s/he must submit draft brief to the Appellate Supervisor for approval before filing.</p> <p>Appellate briefs shall comply with all Rules of Appellate Procedure and rules and administrative orders specific to the appellate court. If oral argument is scheduled, the Appellate Team Attorney shall prepare and participate in the argument unless excused from doing so by the Appellate Team Supervisor. Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.8.1.</p> <ul style="list-style-type: none"> - Requests for extensions of time shall be limited and all appellate pleadings and briefs on behalf of the GAL Program shall be filed as quickly as possible pursuant to the Florida Rules of Appellate Procedure 9.146(g). Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.8.3. - The Appellate Team shall communicate the decision of all appeals to the Supervising Attorney and Circuit Appellate Coordinator. The Supervising Attorney shall then communicate the decision to the Program Attorney(s). It is the Program Attorney's responsibility to inform the assigned GAL volunteer of the results and its implications. The Program Attorney shall follow all orders of the appellate court. Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.8.4.
<p>6. Cessation of Representation:</p>	<p>- In any case where the Court terminates supervision but retains jurisdiction, the Program remains on the case solely for the purpose of addressing legal issues that arise until the appeal is dismissed or closed. The Program</p>

<p><i>Contacts post representation, if any.</i></p>	<p>Attorney shall not request discharge from the case. No visits or other updates need to occur during this period. The appellate team will promptly notify the circuits upon the appeal resolving so discharge may occur. Should the court terminate jurisdiction, then the program will request that the court order that all parties be served any notice of appeal filed and all supporting documents. If the program has already discharged before an appeal commences, all appellate documents received should be forwarded to the appellate team. The appellate supervisor will review the case and determine if participation is appropriate. Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 2.8.2.</p>
	<p align="center">Organizational and Administrative Supports for the Child Representative</p>
<p>7. General Representation Rules: <i>Administrative structure is clear for appointment, support and accountability of the CR. The child's representative is independent from the court</i></p>	<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.</p> <p>Ann. Stat. § 39.8296.</p> <p>...</p> <p>- The Supervising Attorney is solely responsible for supervising the legal practice of all attorneys within his/her</p>

	<p>circuit. The Supervising Attorney shall make all possible effort to ensure that all Program Attorneys under his/her supervision conform to the highest standard of the profession and comply with these standards and the Rules Regulating the Florida Bar.ⁱ</p> <p>The Supervising Attorney shall at a minimum:</p> <ol style="list-style-type: none"> 1. ensure that the Program Attorneys understand their roles and responsibilities; 2. ensure that the Program Attorneys implement and follow GAL Program policies and procedures; 3. ensure case coverage when the Program Attorneys are absent or unavailable; 4. ensure fair and appropriate allocation of attorney caseloads; 5. ensure continuity of representation; 6. be available to provide in-house educational and training opportunities; 7. evaluate and mediate conflicts between the Program Attorneys, case coordinator and/or volunteer pursuant to the GAL Program Standards of Operation; 8. contribute to the development of GAL or State Office policies; 9. make hiring decision as to Program Attorneys in consultation with the Circuit Director; 10. work with the Circuit Director, the case coordinator and/or the volunteer to create an internal protocol sufficient to ensure timely filing of all pleadings, motions, reports, and legal memoranda; 11. evaluate the legal performance of the Program Attorneys; 12. consult with the Regional Attorney and/or General Counsel on any issues arising from a Program Attorney's legal performance or compliance with the Professional Rules of The Florida Bar or on complicated or novel legal matters or issues of potential statewide significance; make decisions, in consultation with the Circuit Director, on engaging and supervision of law clerks, legal researchers, and law school graduates who are not members of The Florida Bar. Guardian Ad Litem Revised Program Attorney Standards of Practice, Standard 1.5.
<p>8. Lawyer Training: <i>Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.</i></p>	<p>--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. Ann. Stat. § 39.8296(4).</p> <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</p>

	<p>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>9. Lawyer Compensation: Adequate and timely compensation, reimbursement provided expenses.</p>	<p><i>No explicit legal authority or requirement regarding lawyers appointed as counsel for children.</i></p> <p><i>Lawyers affiliated with the GAL Program are either pro bono volunteers or are on salary.</i></p>
<p>10. Caseload Levels: Caseloads are of a manageable size.</p>	<p><i>No explicit legal authority or requirement.</i></p>
