

By the Committees on Judiciary; Children, Families, and Elder Affairs; and Senator Joyner

590-07878-08

20081582c2

1 A bill to be entitled

2 An act relating to guardians ad litem; amending s. 61.402,  
3 F.S.; authorizing a person affiliated with a not-for-  
4 profit legal aid organization to serve as a guardian ad  
5 litem under certain circumstances; requiring that such  
6 person undergo a security background investigation;  
7 requiring not-for-profit legal aid organizations to  
8 provide training developed by The Florida Bar before a  
9 person is certified as a guardian ad litem; providing for  
10 interim training developed by a curriculum committee;  
11 providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Section 61.402, Florida Statutes, is amended to  
16 read:

17 61.402 Qualifications of guardians ad litem.--A guardian ad  
18 litem must be ~~either a person citizen~~ certified by the Guardian  
19 Ad Litem Program to act in family law cases, a person certified  
20 by a not-for-profit legal aid organization as defined in s.  
21 68.096 if there are no allegations of child abuse, neglect, or  
22 abandonment, or an attorney who is a member in good standing of  
23 The Florida Bar. Prior to certifying a guardian ad litem to be  
24 appointed under this chapter, the Guardian Ad Litem Program or  
25 the not-for-profit legal aid organization, as appropriate, must  
26 conduct a security background investigation as provided in s.  
27 39.821. Upon development and approval by The Florida Bar of a  
28 uniform, objective, and statewide training program for guardians  
29 ad litem serving in nondependency cases, which shall be available

590-07878-08

20081582c2

30 without charge to not-for-profit legal aid organizations, such  
31 organizations shall use the program in providing training before  
32 certifying a guardian ad litem under this section. Until The  
33 Florida Bar approves the program, the not-for-profit legal aid  
34 organization shall provide training developed by a curriculum  
35 committee established by such organization which includes, but  
36 need not be limited to, a family law judge, a mental health  
37 professional who specializes in the treatment of children, and  
38 two members of The Florida Bar who are active guardians ad litem.

39 Section 2. This act shall take effect July 1, 2008.