

By Senator Joyner

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1 A bill to be entitled
 2 An act relating to guardians ad litem; amending s.
 3 61.402, F.S.; authorizing a person certified by a not-
 4 for-profit legal aid organization to serve as a
 5 guardian ad litem in a dissolution of marriage
 6 proceeding that does not involve child abuse,
 7 abandonment, or neglect; requiring that such person
 8 undergo a security background investigation and
 9 undergo training in a program developed by The Florida
 10 Bar; providing for training developed by a curriculum
 11 committee of the not-for-profit organization pending
 12 the development of the bar's program; providing a
 13 penalty for failing to disclose a material fact in an
 14 application to act as a guardian ad litem; providing
 15 an effective date.

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 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. Section 61.402, Florida Statutes, is amended to
 20 read:

21 61.402 Qualifications of guardians ad litem.—

22 (1) A person appointed as a guardian ad litem pursuant to
 23 s. 61.401 must be: ~~either a citizen~~

24 (a) Certified by the Guardian Ad Litem Program pursuant to
 25 s. 39.821;

26 (b) Certified by a not-for-profit legal aid organization as
 27 defined in s. 68.096; ~~to act in family law cases or~~

28 (c) An attorney who is a member in good standing of The
 29 Florida Bar.

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30 (2) Prior to certifying a guardian ad litem pursuant to
31 paragraph (1)(b) ~~to be appointed under this chapter~~, the not-
32 for-profit legal aid organization Guardian Ad Litem Program
33 must:

34 (a) Conduct a security background investigation as
35 described ~~provided~~ in s. 39.821; and-

36 (b) Provide training using the uniform objective statewide
37 training program for guardians ad litem developed by The Florida
38 Bar. Pending the development of the bar's training program, a
39 not-for-profit legal aid organization may develop and use its
40 own curriculum. The creators of the organization's training
41 curriculum must include at least one family court judge, a
42 mental health professional whose practice concentrates on the
43 treatment of children, and two attorneys who are members of the
44 Family Law Section of The Florida Bar and who have served as
45 guardians ad litem under this chapter.

46 (3) Only a guardian ad litem who qualifies under paragraph
47 (1)(a) or (1)c) may be appointed to a case in which the court
48 has determined that there are well-founded allegations of child
49 abuse, abandonment, or neglect as defined in s. 39.01.

50 (4) This section does not require the Guardian Ad Litem
51 Program or any not-for-profit legal aid organization to train or
52 certify guardians ad litem appointed under this chapter.

53 (5) It is a misdemeanor of the first degree, punishable as
54 provided in s. 775.082 or s. 775.083, for any person to
55 willfully, knowingly, or intentionally fail by false statement,
56 misrepresentation, impersonation, or other fraudulent means to
57 disclose in an application for a guardian ad litem any material
58 fact used in making a determination as to the applicant's

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59 qualifications for such position.

60 Section 2. This act shall take effect July 1, 2009.