

20091018er

1
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 that the not-for-profit legal aid
11 organization has the sole discretion in determining
12 whether to certify a person based on his or her
13 security background investigation; specifying
14 responsibility for the payment of costs of the
15 security background investigation and training
16 requirements; providing a penalty for failing to
17 disclose a material fact in an application to act as a
18 guardian ad litem; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 61.402, Florida Statutes, is amended to
23 read:

24 61.402 Qualifications of guardians ad litem.—

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

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

29 (b) Certified by a not-for-profit legal aid organization as

20091018er

30 defined in s. 68.096; to act in family law cases or

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

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

37 1. Conduct a security background investigation as described
38 provided in s. 39.821 for which the not-for-profit legal aid
39 organization has the sole discretion in determining whether to
40 certify a person based on his or her security background
41 investigation; and-

42 2. Provide training using the uniform objective statewide
43 training program for guardians ad litem developed by The Florida
44 Bar.

45 (b) The security background investigation and the training
46 program requirements as provided in this subsection must be paid
47 for by the not-for-profit legal aid organization or the person
48 seeking certification as a guardian ad litem through the not-
49 for-profit legal aid organization.

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

54 (4) Nothing in this section requires the Guardian Ad Litem
55 Program or a not-for-profit legal aid organization to train or
56 certify guardians ad litem appointed under this chapter.

57 (5) It is a misdemeanor of the first degree, punishable as
58 provided in s. 775.082 or s. 775.083, for any person to

20091018er

59 willfully, knowingly, or intentionally fail, by false statement,
60 misrepresentation, impersonation, or other fraudulent means, to
61 disclose in an application for a guardian ad litem any material
62 fact used in making a determination as to the applicant's
63 qualifications for such position.

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