

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

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

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 17 Section 1. Section 61.402, Florida Statutes, is amended to
 18 read:

19 61.402 Qualifications of guardians ad litem.--

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

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

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

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

28 (2) Prior to certifying a guardian ad litem pursuant to

29 paragraph (1)(b) to be appointed under this chapter, the not-
 30 for-profit legal aid organization Guardian Ad Litem Program
 31 must:

32 (a) Conduct a security background investigation as
 33 described provided in s. 39.821; and-

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

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

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

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

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56 | fact used in making a determination as to the applicant's
57 | qualifications for such position.

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