**IN THE CIRCUIT COURT OF THE *XX* JUDICIAL CIRCUIT**

**OF THE STATE OF FLORIDA, IN AND FOR, *XXXXX* COUNTY**

**JUVENILE DIVISION**

**IN THE INTEREST OF: CASE NO:**

**NAME DOB:**

**Child**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ /

**GUARDIAN AD LITEM PROGRAM’S**

**MOTION FOR APPOINTMENT OF AN EDUCATIONAL SURROGATE**

The Guardian ad Litem Program, by and through the undersigned attorney, pursuant to Florida Statue §39.0016 moves the Court for an Order appointing ***NAME OF GUARDIAN***, Guardian ad Litem, as an educational surrogate for ***NAME OF CHILD***. As grounds, Petitioner states the following:

1. ***NAME OF CHILD*** had an individual educational plan (IEP) for a specific learning disability at ***NAME OF SCHOOL*** that was signed on ***DATE***, with a review date of **DATE**.
2. ***NAME OF CHILD*** placement changed to ***NAME OF COUNTY*** in ***MONTH*** of ***YEAR***, and ***HE/SHE*** started ***NAME OF SCHOOL*** that same month. The IEP was never received by the new school.
3. The Guardian ad Litem received the IEP from ***NAME OF SCHOOL*** in ***MONTH*** of ***YEAR***, and delivered it to ***NAME OF SCHOOL*** within days. The school is now in the process of setting an IEP meeting to address ***NAME OF CHILD*** specific learning disability.
4. ***NAME OF CHILD*** case plan goal is adoption. ***HIS/HER FATHER/MOTHER*** is incarcerated on criminal charges against ***NAME OF CHILD***. There is currently no contact order between ***NAME OF CHILD*** and ***HIS/HER FATHER/MOTHER***. The ***FATHER/MOTHER*** defaulted at the termination of parental rights advisory hearing.
5. ***NAME OF CHILD*** needs an individual appointed to safeguard ***HIS/HER*** rights under the Disabilities Education Act and act in place of a parent in making educational decisions for ***HIM/HER***. ***NAME OF CHILD*** did not receive the services ***HE/SHE*** was entitled to under ***HIS/HER*** IEP and subsequently has failed ***HIS/HER*** first year of high school.
6. Department of Children and Families and the ***FATHER’S/MOTHER’S*** attorney, Office of Regional Council, agree with the appointment of ***NAME OF GUARDIAN***, Guardian ad Litem, as the educational surrogate for ***NAME OF CHILD***.
7. ***NAME OF GUARDIAN*** is scheduled to attend the school board training for educational surrogates on ***DATE***.
8. All parties are in agreement that ***NAME OF GUARDIAN*** can be appointed as the educational surrogate prior to completing the educational surrogate training due to the urgency of this situation. The IEP meeting will most likely occur prior to the ***DATE*** training. ***NAME OF GUARDIAN*** has been actively involved in ***NAME OF CHILD*** education since ***HIS/HER*** appointment as Guardian ad Litem. ***NAME OF GUARIDAN*** was the individual that discovered the existence of the IEP, contacted the current school several times to speak with the guidance counselor for ***NAME OF CHILD*** and actively pursued tutoring for ***NAME OF CHILD***. Since the discovery of the IEP, the Guardian ad Litem has been in contact with an Exceptional Student Education (ESE) teacher and reviewing information on IEPs.

**WHEREFORE**, the Guardian ad Litem Program requests that this Court grant this Motion for Appointment of an Educational Surrogate and the relief requested.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **NAME**

 Child Best Interest Attorney

 Fla. Bar No.

**CERTIFICATE OF SERVICE**