**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**

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

**AGREED ORDER ON GUARDIAN AD LITEM PROGRAM’S**

**MOTION FOR APPOINTMENT OF AN EDUCATIONAL SURROGATE**

**THIS CAUSE CAME BEFORE THE COURT** on the Motion for Appointment of an Educational Surrogate for ***NAME OF CHILD***, pursuant to Florida Statue § 39.0016, filed by the Guardian ad Litem Program. The Court having considered the motion and having been otherwise fully advised finds:

1. Notice: All persons entitled to notice of this hearing were properly noticed of the hearing and were provided a copy of the documents filed for this hearing.
2. The child, ***NAME OF CHILD*** has a learning disability. ***HE/SHE*** had an Individual Education Plan (IEP) for specific learning disability that recently expired ***DATE***. This IEP never followed ***HIM/HER*** to ***HIS/HER*** new school in ***NAME OF COUNTY*** until sent by the Guardian ad Litem in ***MONTH***, ***YEAR***. ***NAME OF COUNTY*** currently is the process of developing a new IEP.

1. ***NAME OF CHILD*** case plan goal is adoption. ***HIS/HER FATHER/MOTHER*** is incarcerated on criminal charges against ***NAME OF CHILD***. There is currently a no contact order between ***NAME OF CHILD*** and ***HIS/HER FATHER/MOTHER***. The ***FATHER/MOTHER*** defaulted at the termination of parental rights advisory hearing.
2. The child, ***NAME OF CHILD*** has or may have additional educational needs and that a surrogate parent is needed to act in place of a parent in educational decision-making and in safeguarding the child’s rights.
3. The child, ***NAME OF CHILD*** should have the assistance of a surrogate parent because of ***HIS/HER*** current educational needs and that this person will aid the caregiver in ensuring that all ***HIS/HER*** educational needs are met.
4. All parties are in agreement with appointing ***NAME OF GURADIAN*** as the educational surrogate for ***NAME OF CHILD***.

**IT IS HEREBY ORDERED THAT:**

1. The child, ***NAME OF CHILD***, shall be appointed ***NAME OF GURADIAN***, Guardian ad Litem, as an educational surrogate.
2. The surrogate parent named above has the following rights, duties and responsibilities:
   1. To request or respond to requests for evaluations of the child.
   2. To review and keep confidential the child’s educational records.
   3. To request and participate in school meetings, including Individual Education Plan (IEP).
   4. To express approval or disapproval of the child’s educational placement or IEP.
   5. To monitor the child’s educational development.
   6. To help the child access available needed educational services.
   7. To aid the child in securing all rights provided the child.
   8. To meet the child face-to-face.
   9. To be afforded all of the due process rights parents have for their child’s educational needs.
3. The surrogate parent may also do the following:
   1. Attend appropriate court hearings to address the educational needs of the child. The surrogate parent will be provided notice of all dependency court hearings.
   2. Attend dependency staffings. The community-based care provider will invite the surrogate parent to all permanency staffings and any other staffings where the child’s educational needs will be addressed. *See* F.A.C. 65C-28.006.
4. As to issues affecting the provision of Free Appropriate Public Education, principals, teachers, administrators, and other employees of the ***NAME OF COUNTY*** Public Schools shall communicate with the surrogate parent and accept the requests or decisions of the surrogate parent in the same manner as if ***HE/SHE*** were the child’s parent.
5. Unless the court explicitly orders otherwise, the surrogate parent does not have the right and responsibility to register the child in school, and grant or withhold consent for ordinary school decisions not related to this order.
6. The surrogate parent shall have access to, and keep confidential, the school’s records including, but not limited to, records from the school system, community-based care provider or agency, and any mental health or medical evaluations or assessments.

1. By law, the surrogate parent has no liability for actions taken in good faith on behalf of the child in protecting the special education rights of the child.

**DONE AND ORDERED** in ***XXXXX*** County, Florida, on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

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

NAME

CIRCUIT COURT JUDGE

Copies to:

***NAME OF COUNTY*** County Public Schools c/o Director, Exceptional Student Education

Surrogate Parent

CLS

ORC

GAL

Custodian

Coalition