FLORIDA GUARDIAN AD LITEM PROGRAM STANDARDS

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About the Cover

Our Program Standards cover tells the story of the Guardian ad Litem Program. We take this opportunity to highlight some of the advocates that embody what it means to be a champion for a child. This year we celebrate our 35th anniversary. In this time the GAL Program has had over 30,000 GAL volunteers who have represented more than 200,000 of Florida’s abused or neglected children. Today we have over 10,000 volunteers advocating for children’s best interests.

• Former Juvenile Administrative Judge, William Gladstone (*bottom left*) is a true legend in child welfare. He is the epitome of a champion for a child. Like the GAL Program, he understands the importance of teamwork in representing the best interests of Florida’s children.

• Patricia “Pat” Cooney (*top middle*), who recently passed away, was a GAL volunteer for 8 years. She advocated for 15 children during her 6 years of case work, but that was not enough for her. She so passionately believed in the mission of the GAL Program that she made it her mission to recruit other GAL volunteers. She was such a joyful person, and embodied the passion and tireless dedication of our GAL volunteers.

• John O’Sullivan (*middle right*). We lost one of our GAL volunteers in January of 2013. John’s obituary included this poignant line: “[h]e is survived by his loving wife of 43 years, Phyllis O’Sullivan; ... as well as 39 children whom he forever helped.”

The Court’s Babies

By Judge William E. Gladstone

Battered from birth or
Victims of the care-less touch,
Brain wires tangled
From all love deprived,
No tears, no joy.
Generations of hate passed on
from stalled infant minds
in prison cribs.
Black robes so thin
We often cannot shield;
And the soapbox promise
In red, white, and blue!
A promise kept,
Or merely grand words,
like babies in court,
vacant?

Judge Gladstone’s poem is a tribute to Florida’s Dependency Judges; recognizing their dedication and impact on Florida’s families. GAL volunteers and staff are grateful for and appreciate their tireless work.

I am for the child®
"Do You Believe in Miracles?" -- Al Michaels, famous call after the 1980 Olympic Hockey Team victory against Soviet Union.

What is the definition of a legacy? In sports, a legacy was created by the 1980 Olympic Hockey Team victory against the Soviet Union when the United States national team, made up of amateur and collegiate players defeated the Soviet Union national team, which had won the gold medal in six of the seven previous Olympic Games. Or even the 1972 Miami Dolphins who are the only National Football League team to win the Super Bowl with a perfect season. These teams created a legacy not based on any individual but as a whole – a team.

This is a historic year for the Guardian ad Litem (GAL) Program. This year our team is creating its own legacy by celebrating 35 years of child advocacy and in that time we have had over 30,000 GAL volunteers who have represented more than 200,000 of Florida’s abused or neglected children. This year we have more than 10,000 GAL volunteers giving a voice to Florida’s most vulnerable children.

Essential to the success of Florida’s GAL Program is our team approach to ensuring the best interests of each child is achieved. Each team member has a unique perspective and different professional background that compliments the others and enhances the quality of advocacy for the child.

Not only is the team model crucial to the everyday work the GAL Program does, we continue the team model philosophy in working with the legislature and with other child welfare organizations to achieve safe permanent homes for Florida’s most vulnerable population. This team work has resulted in exciting changes for dependent children including: attorneys for children with certain disabilities; a more child and foster family friendly approach to normalcy for foster youth; protection of foster care children’s financial records; and a pathway for foster teens to drive.

The Florida GAL Program believes in encouraging partnerships, collaboration and team work toward the common goal of safety and permanency for Florida’s most vulnerable children. More than ten thousand volunteers and the Program staff work together as one team to make sure the voice of one child is heard.

We understand that children who have a GAL are more likely to find a safe, permanent home and receive more services. They are also more likely to have a consistent, responsible adult presence in their lives, spend less time in foster care, have increased placement stability, and have better educational outcomes.

These Standards of Operation are a guide to ensure we consistently provide best interest representation and advocacy to Florida’s abused and neglected children. As we advocate for the child, the decisions each day in our advocacy allow us as a team to say unequivocally that “I am for the Child.”

Sincerely,

[Signature]

Alan F. Abramowitz
Executive Director
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Introduction

The Florida Guardian ad Litem (GAL) Program Standards exist to ensure excellence in best interest advocacy for children, while enabling local creativity and innovation to expand quality representation and meet the needs of the children in their community. The Program Standards were created through a collaborative effort of staff, volunteers, children in foster care, young adults previously in foster care, and other stakeholders.

Program Mission, Vision and Values

Program Mission. “I am for the Child.”

These Program Standards are to be interpreted and implemented to support this mission.

Program Vision. The Florida Guardian ad Litem Program will continue to be a powerful and effective voice advocating for the best interests of Florida’s abused, abandoned and neglected children and be recognized and respected as a partnership of community advocates and professional staff. To the fullest extent possible, this vision will be realized through volunteers who will advocate as Guardians ad Litem for the children they serve.

Program Core Values. We believe each child deserves an advocate, supported by the Program, to give children a voice. The Program is committed to the following Core Values:

1) Commitment to Children- The children for whom we advocate are our most important priority.
2) Communication Built on Trust- The Program has a culture of open communication, active listening, teamwork, and regard for the views of others. This includes being honest and straightforward with the children we represent in keeping with their level of age and maturity.
3) Collective Empowerment- Each circuit has the authority and responsibility to make and implement the best decisions to meet the children’s needs. This empowerment must be passed on to volunteers, staff and attorneys.
4) Collaboration- The Program proactively seeks to develop relationships that promote the well-being of the whole child.
5) Courtesy- The Program values all who engage in this challenging work and ensures they are treated with respect and dignity.

Section 39.8296(2)(b)(3), Florida Statutes, requires the Program develop statewide standards in consultation with local circuit offices. Program Standards are binding for all Program staff and Guardian ad Litem volunteers. The attorneys who are employed by the Program or contract with the Program are regulated by the rules regulating the Florida Bar.
The following definitions are provided to ensure common understanding of the Program Standards:

1. **Guardian ad Litem (GAL)** refers to the representative of the Program who is advocating for the best interests of the child. This term refers to a volunteer Guardian ad Litem, or in cases where a volunteer GAL is not available, a paid staff member. A GAL is a member of a team that includes a Child’s Best Interest (CBI) Attorney and a Child Advocate Manager (CAM).

2. **Child’s Best Interest (CBI) Attorney** refers to the attorney employed by the Program to protect a child’s best interest either in the circuit dependency courts or the appellate courts. There is no attorney-client relationship between the CBI Attorney and the child; however, representing the best interest of the child is the sole purpose of their advocacy.

3. **Child Advocate Manager (CAM)** refers to the Program subject matter expert who advises, coaches, manages, and supports volunteer GALs within the team model of advocacy. A CAM may also be asked to accept the role and responsibilities of a GAL for a child when a volunteer GAL is not available.

4. **Attorney ad Litem (AAL)** refers to an attorney who is appointed by the court to represent the child. An attorney-client relationship exists between the AAL and the child.

5. **Pro Bono Attorney** refers to an attorney who voluntarily may serve as a CBI Attorney or an AAL. A pro bono attorney can also be assigned a case as a guardian ad litem.

6. **The Program** refers to the Statewide Guardian ad Litem Program, including each individual Circuit Office, Program Office, and the Statewide Office.
Standard 1.  Guardian ad Litem Program Team Model of Advocacy

1.A.  The Team Model. Each GAL works within a team model of advocacy that is child centered and driven by the best interest of the child. It is a collaborative effort of the GAL, the assigned CAM, and the CBI Attorney with the child’s voice considered to be an integral part of the team’s decision making and advocacy. The GAL, CAM and CBI Attorney are equal partners with each providing a unique perspective and knowledge gained through life experiences that compliments the others and enhances the quality of the advocacy leading to better outcomes for the child.

1.B.  Information Sharing. Each GAL advocacy team member has an obligation to ensure that all members of the team have the most current information from which to form an opinion and make decisions on a case. This includes timely and consistent information sharing with all parties involved in each child’s case.

Comments
The fundamental principle of effective team decision making is information sharing. This includes the sharing of information with the caseworker that is gathered through the monthly GAL visitation with the child. It is in the best interest of the child for the GAL to provide information and insight that will assist all persons in a position to make decisions affecting the life of a child.

1.C.  Conflict Resolution. The team model of advocacy allows for and encourages conflicts over case issues and advocacy decisions to be resolved within the team. When a conflict arises as to an issue of fact, the team shall defer to the GAL and CAM. When a conflict arises as to an issue of law, the team shall defer to the CBI Attorney.

Comments
If there is a circumstance when a conflict cannot be resolved to the satisfaction of all team members, any team member can request that the Circuit Director and Supervising Attorney be consulted to assist with resolving the conflict. If necessary, they should bring the Regional Director and the Regional Legal Counsel into the discussion.

No GAL shall ever be removed from a case without being informed of their team’s concerns by the Circuit Director and having the opportunity to respond. The informed decision to remove a GAL from an assigned child is the responsibility of the Circuit Director and it may not be delegated.

Standard 2.  The Role of the Guardian ad Litem

2. A.  Child Visitation. It is best practice for the GAL to visit the child a minimum of once every month for the purpose of building a relationship with the child and gathering information that will allow the GAL to be the voice for the child in the courtroom and the community.
Comments
The monthly visitation should be conducted at the child’s residence. The visitation can periodically take place at an alternate site, such as the child’s school or child care facility. All visitations must be documented.

If a GAL encounters barriers to gaining access to an assigned child, the Circuit Office should be notified immediately. Working together, the Circuit Director and the Supervising Attorney must pursue all administrative and legal means necessary with the Department of Children and Families (DCF), the Community Based Care (CBC) Agency and the dependency court in order to resolve the access issue. Not having access to a child is a “red flag” for the safety of the child and must be treated with a sense of urgency.

2. B.   Best Interest Advocacy. The GAL assigned to the child advocates for the child’s best interest while working in collaboration with a CAM and a CBI Attorney. The GAL team is responsible for providing best interest advocacy for the child in the courtroom and at other critical meetings where important decisions are being made. These meetings include but are not limited to, meetings involved in permanency, placement, medical care, adoption and independent living.

Comments
Using information gathered through visiting with the child, reviewing of relevant records, and interviewing persons involved in the child’s life, and guided by the GAL best interest principle, the GAL submits independent recommendations to the court and all parties to the case in collaboration with their CAM and CBI attorney. These recommendations can be made through testimony and/or a written report and should always focus on the child’s safety in his/her placement, the achievement of desired outcomes for the child, and how to expeditiously achieve the permanency goal for the child.

It is best practice for both the GAL and their CAM to sign the written court report, as this reflects the collaborative nature of the court report. Volunteers who have credentials are permitted to add them as part of their signature, if they so desire. Volunteers are not being used as experts in a case and will testify as lay people, however this does not take away the fact that they may be credentialed and should be permitted to identify themselves as such. The court report should not reiterate their credentials to bolster their credibility.

2.C.   Supporting Child’s Participation in Court. The GAL assigned to the child should determine the child’s desire and willingness to participate in dependency proceedings and/or if it is in the child’s best interest to participate.
Children have the right to participate in all aspects of their dependency proceedings; however, if the GAL determines that it is not in the best interest of the child to attend court or the child has shared that he/she does not want to attend court, the GAL must notify their advocacy team members so that the CBI Attorney can notify the court.

2.D. Advocate for a Medical Surrogate. The GAL may recommend the appointment of a medical surrogate for a child in care who has severe or serious medical needs. The GAL shall always request the appointment of a medical surrogate when end of life issues exist.

2.E. Mentor. A GAL often fills the role of a stable, supportive and caring adult in the lives of the children served by the GAL Program. A GAL is encouraged to act as a mentor for a child for whom he or she is also the GAL.

In addition to being the voice for the child in the courtroom, a GAL can serve as a mentor, coach and positive role model. Because of the disruption and trauma in their lives, as well as the loss of support networks, youth placed in out of home care need many things: a permanent, safe home environment; advocacy and representation in legal proceedings; academic assistance; healthcare; and good peer relationships. Most importantly, they need a consistent, caring adult in their lives who can help nurture and guide them.

The Program offers evidence-based mentor training and certification, “Fostering Futures.” Mentor training from a community resource may be used as well to achieve this certification. Such training supports the Program’s goal to improve the well-being of dependent teens “aging out” of care. Completion of this specialty certification in mentoring must be documented in GAL Tracker.

A GAL can share a family meal, a holiday celebration or any other age appropriate gathering in his/her home with his/her GAL child if approval is given by the child’s caregiver and case manager. Sharing such gatherings is different from becoming a full-time caregiver with the responsibilities of parenting the child.

2.F. GAL as a Foster Parent. Volunteers who desire to become foster parents are allowed to do so without losing their status as a certified GAL. The volunteer cannot serve as the GAL for a foster child placed in their home.

2.G. Significant Adult for Older Youth. A GAL can provide an older youth in Extended Foster Care with the significant adult relationship he/she needs to help with the transition to adulthood.
Comments
As a legal adult, a youth over the age of 18 and participating in Extended Foster Care can choose to have his/her GAL remain in his/her life as a significant adult. In this role, a GAL can continue to mentor the youth and provide opportunities and activities that promote normalcy and allow the youth to experience life as a young adult.

2.H. Advocate for the Child’s Personal Identity Development. Best interest advocacy includes respecting, supporting, and nurturing the healthy development of every child’s self-identity, including the child’s racial, ethnic, language, religious, cultural, sexual orientation and gender identity. A crucial part of best interest advocacy is ensuring that the children have ample and quality opportunities for exploring and defining these important aspects of who they are.

Comments
If a GAL observes that a placement or circumstance is unsupportive of or undermining a child’s natural growth and development of his/her self-identity, the following shall be considered:

- Advocacy for trainings or interventions to educate the persons involved, or
- Advocacy for alternative placement or circumstances.

GALs should seek training and support for their own understanding of the child’s self-identity to be an effective advocate.

2.I. Advocacy for Youth who may need a guardian advocate or guardianship. The GAL shall make known to their advocacy team any child under court supervision they believe may qualify for appointment of a guardian advocate or a limited or plenary guardian. If the team agrees the child may qualify for such an appointment, the team will advocate for the appointment of a guardian or guardian advocate only if the team also believes that no less intrusive decision-making assistance will meet the child’s needs beyond their 18th birthday. In addition, when determining whether to advocate for appointment of a guardian advocate or a limited or plenary guardian, the team must advocate for the least intrusive type of decision-making assistance. If the court determines a guardian advocate or guardian is needed, the GAL should be involved in the process of identifying and recommending the person to serve as the guardian or guardian advocate for the youth.

Comments
All of our children deserve to live happy, healthy lives with the goal to become a self-sufficient and productive adult member of society. Within Florida’s foster care system, there are many children who have a mental health diagnosis or disability. A small percentage of these children lack the capacity to make some or all decisions concerning their lives, making it difficult to reach this goal with ease. They may need additional supports to assist them with their journey toward a healthy adulthood.
The Regis Little Act of 2015 establishes a process to identify guardian advocates and guardians for children in foster care who have limited capacity to provide for themselves and may need decision-making assistance beyond their 18th birthday. The Department of Children and Families is required to create updated case plans during face-to-face conferences with the youth and other specified persons. The GAL is a required participant at these conferences and will advocate for a person to be identified to serve as the guardian advocate or guardian within 180 days of their 17th birthday. The GAL volunteer may offer to serve as the guardian advocate or guardian. The GAL Advocacy team will work together to ensure that the least intrusive type of decision-making assistance for these children, who will soon be young adults, is sought and provided.

**Standard 3. Guardian ad Litem Certification and Oversight**

**3. A. Guardian ad Litem Recruitment, Screening and Selection.** Each Circuit Director is responsible for recruitment, screening and selection of GAL volunteers who meet Program qualifications and reflect the inclusiveness and diversity that are essential components of quality advocacy for children.

**Comments**

A GAL Program application must be completed by all potential volunteers. Volunteers must be screened through an interview process and background checks. A Circuit Director has sole discretion to accept or reject a GAL volunteer applicant.

A GAL volunteer must be 21 years of age or older. Young adults between the ages of 19 and 21 may become a certified volunteer GAL and work under the guidance of and in partnership with a certified volunteer GAL over the age of 21.

**3.B. Guardian ad Litem Pre-Certification Training.** A guardian ad litem volunteer applicant must successfully complete 30 hours of pre-certification training provided by the Program prior to being certified as a GAL.

**Comments**

It is considered best practice to use the Guardian ad Litem pre-certification training module that consists of three (3) sections: independent study, classroom study and fieldwork. A Circuit Director may use his/her discretion to include additional hours in order to address circuit specific needs.

Prior to accepting assignment to a case with an allegation of sexual abuse, a GAL must complete the training required by the “Keeping Children Safe Act” in accordance with Florida Statutes.
The Circuit Director in collaboration with the Supervising Attorney should negotiate the terms of any additional training needs with an attorney to act as a guardian ad litem for a child prior to an assignment to be eligible for certification. An attorney in good standing with the Florida Bar, may be approved for certification after any required training needs are met.

A Circuit Director may consider a foster parent as the GAL for a child if the child is not placed with the foster parent. Foster parents do not have an inherent conflict of interest in serving as a GAL merely because of their status as foster parents. A foster parent who is currently licensed and has completed MAPP training should be considered eligible for certification. The Circuit Director has the discretion to require completion of any portion of the pre-service training. Their licensing file and home study should suffice for the Program’s background screening provided there has been no break in their service.

Additionally, employees of other child welfare related agencies and law enforcement agencies can be considered for GAL volunteer training and certification.

3. C. Certification of Former GAL Staff as a Guardian ad Litem. Program staff members who either resign from or are terminated from the Program may still serve as a GAL.

Comments
If a terminated employee continuing as a GAL would create dissension within a circuit office, the Circuit Director will make the determination as to whether the employee can remain a GAL Volunteer. As with all decision making of this nature, the child’s best interest must be the most important factor.

3.D. Guardian ad Litem Program In-Service Training. All GAL staff and volunteer GALs must complete a minimum of 12 hours per year of in-service training approved by the Circuit Director.

Comments
There is no in-service requirement for pro bono attorneys or any attorneys working for the Program as long as they are in compliance with their Continuing Legal Education (CLE) as active members of the Florida Bar.

There is no in-service requirement during the volunteer GAL’s or staff member’s first year with the Program.

3. E. Educational Advocacy Training and Certification. Specialty certification training in educational advocacy is available for all Program staff and GALs to ensure that they have the knowledge and skills to help promote and support the academic progress of children involved in the child welfare system.
Comments
Completion of this specialty certification in education is in addition to any educational advocacy training received as part of the pre-service training and must be documented.

3. F. Guardian ad Litem Annual Recertification Reviews. Each GAL volunteer shall participate in an annual re-certification review.

Comments
The volunteer GAL recertification review is an important part of the Program’s overall evaluation process and is critical in providing both the Program and the volunteer with feedback necessary to improve representation in advocacy. The open and honest communication that should take place during the review is essential to building and nurturing the Program’s team model of advocacy. This type of communication and feedback is encouraged to take place on an on-going basis and not just during the reviews.

3.G. Non-Case Volunteers. The Program utilizes volunteers to provide support and enhancements for the daily operations of the Program.

Comments
Volunteers should be recruited to help Circuit Offices be more effective and efficient. If these volunteers will not be assigned to cases, they will not need to complete the 30 hours of GAL training. Each Circuit Director must develop and implement an orientation that will assist volunteers in the understanding of the Program’s mission and their roles and responsibilities. The volunteers must complete the same background screening as a certified Guardian ad Litem and sign a confidentiality agreement if they will be working with confidential case records and information.

Youth 17 years of age and older can serve as office volunteers as long as their service to the Program ensures that confidentiality is maintained. These youth must receive an orientation that provides them with an understanding of the Program’s mission and their roles and responsibilities. Background screening is required for youth as for adults.

Standard 4. Code of Conduct

The Program requires all staff and volunteers to follow a Code of Conduct and to read, sign and date a copy of the Code of Conduct upon hiring or application to become a GAL.
Code of Conduct
Guardian ad Litem Staff and Volunteers shall:

1. Diligently represent and be guided solely by the best interests of the child and only take actions that are within the scope of a GAL’s roles and responsibilities;
2. Hold confidential all information obtained in the course of service as a Guardian ad Litem even after such service has ended, as required by law;
3. Report any new or suspected incident of child abuse or neglect to the Florida Abuse Hotline and his or her supervisor;
4. Monitor an assigned child regularly; including visiting the child once every month at a minimum, unless an alternative visitation schedule has been approved by the Circuit Director.
5. Submit documents to the court through the CBI Attorney;
6. Notify the Circuit Director if the GAL or any member of the GAL’s family becomes involved in an investigation or a case with allegations of child abuse or neglect;
7. Advise the Circuit Director if he or she is arrested, charged with, or convicted of a criminal offense;
8. Act with professionalism at all times while representing the Guardian ad Litem Program;
9. Uphold and comply with all of the Program’s Standards and guidelines as well as any local Circuit Office guidelines;
10. Not practice, condone, facilitate, or participate in any form of discrimination on the basis of race, color, gender, sexual orientation, gender identity, age, religion, ethnicity, marital status, political belief, mental or physical handicap, or any other preference, personal characteristic, condition, or status;
11. Not accept a fee for services as a GAL while serving in dependency court with the Statewide Guardian ad Litem Program, nor solicit funds or gifts for personal benefit; and
12. Not engage in ex parte communication with the judge or in any unprofessional communication about the judge’s actions related to a dependency proceeding. Disagreements with any judicial rulings or orders must be handled through the legal process.

Standard 5. Acceptance and Assignment of Cases

5.A. Case Acceptance. Circuit Directors shall work with the court to prevent appointment to cases that exceed the capacity of the Program’s resources.

5.B. Case Assignment. To most effectively provide best interest advocacy for dependent children within the Program’s given resources, in each circuit, children who are removed from their caregiver and placed in shelter care will have a GAL assigned prior to children who have not been removed from their caregiver.
The GAL Program’s funding is insufficient to support the number of staff and volunteers needed to provide a voice for all children under court supervision in Florida. Consistent with legislative priorities, statutory guidance and case law, each circuit will prioritize the assignment of a GAL for children who have been removed from their caregiver.

A GAL must always be appointed to the child when a decision to pursue a goal of adoption has been made. Adoption requires termination of parental rights (TPR) and case law has held that not having a GAL advocating for a child on a TPR case may be grounds for reversal. Therefore, representing children on these cases is of the highest priority. To be a thorough and effective child advocate on a TPR case the GAL should be appointed as soon as possible. A GAL must be appointed to cases which are most likely to end in TPR. The GAL needs to have case knowledge and background in order to support a recommendation for “manifest best interest,” as required by law. Cases that are more likely to lead to termination of parental rights are those children have been removed from the parent or guardian.

5.C. A Youth Specific Guardian ad Litem. Older youth may have an important adult, other than their caregiver or GAL, in their lives. If the GAL identifies this person as providing a consistent, responsible adult presence in the youth’s life, with the youth’s and adult’s consent, a motion may be filed with the court to appoint this person as a GAL for the youth.

Comments
The motion may only be filed with the consent of the youth and adult and following an advocacy team meeting that provides an in-depth discussion of the youth’s status. The youth’s best interest must drive the final decision of whether or not to motion the Court for the appointment of a GAL outside of the Program. If the identified adult agrees to the appointment, they must submit to the same background screening as a GAL certified with the Program. This background screening can be provided through the GAL Program, as well, as any training or support requested by the GAL.

5.D. Guardian ad Litem Caseloads. A volunteer Guardian ad Litem should be assigned to only one or two cases at a time.

Comments
In most circumstances, a GAL should be assigned a maximum of two (2) cases, but may upon demonstration of ability and desire be assigned up to five (5) cases. Beyond five (5) cases, a Circuit Director may grant an exception on a case-by-case basis. Consideration for such an exception should include the Circuit Director’s careful assessment of the GAL’s experience, capabilities, conduct, availability, performance and the recommendation of the volunteer’s CAM. This Program Standard is consistent with the National CASA (Court Appointed Special Advocate) Standards.
5. E. **Representation of Related Children.** The appointment of the Program to advance the best interest of multiple related children or parents presents no conflict of interest necessitating discharge, in accordance with Rule 4-1, Rules Regulating the Florida Bar.

**Comments**
When determining whether there is a conflict of interest in a dependency case, the first prong of the conflict of interest is not satisfied as there is no attorney/client relationship between an attorney and a child assigned to the Program. The GAL is a party to the proceedings separate and apart from the child represented. The GAL duty of loyalty is that the child’s best interest be represented, and to the court to ensure they have all the facts upon which to make a decision.

Because state and federal law require a GAL to be on every dependency case and there is no legal requirement to discharge off a case on the basis of conflict of interest, the Program must remain on a case, unless: 1) there are other reasons that are supported by the best interest of the child, 2) the court discharges the Program, or 3) there is a conflict of interest because GAL staff are involved as part of an active child welfare case.

The critical Guardian ad Litem focus is on the best interest of the child; therefore, GAL volunteers and staff must always be honest with children and youth, in an age appropriate way, about our role as Guardians ad Litem and how we advocate for the “best interest of the child.”

The GAL must always be open and honest about our past role with children involved in the case. The GAL must also be honest and open regarding any existing personal reasons that may not allow them to objectively provide best interest advocacy for a child.

In addition, every circuit must resolve how we make recommendations to the court in the following situations:

1. When the Program simultaneously represents a minor parent and that minor’s child(ren);

2. When the Program represents a minor child and previously represented the minor child’s parent and the information from the representation of the parent could now be used to the disadvantage of the parent;

3. When the Program represents two or more children where the best interests of one child are incompatible with or in any way contrary to the best interests of another.

Possible resolutions may include: 1) use of pro-bono attorneys or 2) assigning a GAL from a different circuit, county, or unit. The circuit may consider additional options based on local circumstances and resources. The Program strives to assign an active GAL to all children the Program is court-ordered to represent, within available resources.
5. F. Discharge of the Guardian ad Litem Program. When the Program determines it is unable to accept appointment to a case or assign the case within thirty (30) days of appointment, a motion to discharge shall be prepared and filed with the court.

Comments
Circuit Directors must have a procedure for GALs visiting all children and assessing the needs of the children prior to filing a motion to discharge. No motion to discharge off a case should be filed based solely on the inability to assign without supportive information based on a face-to-face visit with the child(ren) and a review of available records. The decision to petition the court to be discharged from a case may be made on a case-by-case basis when a child’s needs are being met through other advocacy resources, or when their permanency goal is achieved. A request of the court to discharge should not be considered unless there are insufficient resources to meet the needs of the children assigned to the Program. If the court systemically denies discharge from cases, the Circuit Director and Supervising Attorney must request assistance from the Statewide Office.

Standard 6. Children Placed Outside of Court Jurisdiction

6. A. Out of Circuit Cases. Every child to whom the Program is appointed, regardless of whether he/she is placed within their circuit of jurisdiction or within the State of Florida, shall have his/her case assessed for assignment.

Comments
All children referred to another circuit for visitation and monitoring assistance will, at a minimum, receive one assessment visit by the receiving office in order to provide information regarding the placement and the well-being of the child. This information should lead to a discussion between the two circuit offices involved with regard to the assignment of a GAL to visit the child. Should this occur, the GAL who has “eyes on the child” shall be considered and respected as a member of the GAL team and as a co-GAL for the child. His/her best interest recommendations as to the needs of the child should be included in all GAL court reports. If there are any disagreements with their recommendations and the conflict cannot be resolved within the team, the conflict resolution stated in Standard 1.C. should be engaged.

If the Circuit Director in the circuit of jurisdiction determines that the advocacy actions (i.e. attending case meetings, speaking with the parents) occurring within that circuit can be covered by staff, it may not be necessary to have an assigned GAL from the sending circuit, as long as there is a GAL visiting the child from the receiving circuit. The CBI Attorney should make the court and all parties to the case aware of this and should ask for any needed accommodations that would allow the GAL visiting the child to participate in court hearings.
When making the decision about the necessity of keeping an assigned GAL from the sending circuit, the Circuit Director should always take into consideration the relationship between the GAL and the child.

6. B. Out of State Request for Child Advocacy Assistance. There is no statutory authority for the Program to provide child-specific support for advocacy services from another state’s court, GAL or CASA (Court Appointed Special Advocate) Program. This does not preclude a Circuit Director from providing information regarding services and resources that will assist the requesting state with their advocacy.

Comments
Assistance could include a visit to the planned placement for the child in order to provide the requesting state with needed background and safety information which, if completed, does not violate the Interstate Compact on the Placement of Children (ICPC). This visit can only be conducted with approval from the prospective caregiver and the placement agency. If the ICPC issues are not being followed by the requestor, the requestor should be referred to their home state to pursue placement through the ICPC process.

Standard 7. Attorney Appointment for Children with Certain Special Needs

The CBI Attorney shall request the appointment of an Attorney in any case in which it would further the child’s best interests. Additionally, an Attorney must always be appointed for children with certain special needs. Those children include children who:

- Are placed in a residential mental health treatment facility, resides in, or are being considered for, placement in a skilled nursing facility;
- Are prescribed a psychotropic medication and decline to assent to it;
- Have been diagnosed with a developmental disability, as defined by §393.063, F.S.;
- Are being placed in, or are considered for placement in a residential treatment center; or
- Are a victim of human trafficking as defined in §787.06(2)(d), F.S.

After the DCF identifies a child that qualifies for appointment, the court will request a recommendation from the GAL Program of an attorney that will take the appointment without additional compensation. If the GAL Program does not have a recommendation within 15 days or the GAL Program informs the court it does not have a recommendation, the court will appoint an attorney from the registry.
Comments
The court on its own or upon motion of any party, including the child, can appoint an Attorney ad Litem (AAL). Florida Rules of Juvenile Procedure 8.217(a), states, “... the court may consider whether an attorney ad litem is necessary to represent any child alleged to be dependent, if one has not already been appointed.”

Reasons to seek appointment of an AAL include, but are not limited to: cases where a special expertise may be needed, such as immigration law, disability law, or other administrative forums.

Standard 8. Case Records

8. A. Case File Maintenance. The Program maintains records for each child represented and follows guidelines for the retention, protection, destruction, and return of the case files when the case is closed in accordance with the statutory provisions of Chapters 119 and 257, Florida Statutes.

Comments
All GAL volunteers are required to turn in their case files, including all notes, when the case is closed. The case file should include any case-related communication and documentation stored on the GAL volunteer’s computer. Retention and destruction of all case files must be in accordance with the Program’s Record Retention Schedule.

8. B. Confidentiality. All staff and Guardians ad Litem must maintain confidentiality. Disclosure of information to any person who is not a party to the case shall only be made in furtherance of the child’s best interest.

Comments
Confidentiality of case records and information relating to the case extends beyond the closure of the case and does not end when a GAL or staff member resigns or is terminated from the Program.

Standard 9. Transportation of Children

In the spirit of promoting social, extracurricular and enrichment opportunities for children, volunteer GALs and staff members approved by the Circuit Director shall be permitted to transport children represented by the Program.
Comments
In order to be approved to transport children, all staff and volunteers must follow the Program’s Transportation Guidelines. Approval to transport must be documented in the personnel file and in GAL Tracker. No volunteer or staff member shall be required to transport a child. The Court cannot order GAL staff or volunteers to transport a child. Any denials to transport are to be determined by the Circuit Director and properly documented.

Any child appointed to the Program five (5) years of age or older is eligible to be transported. Approval can be given by the Circuit Director for a child under the age of five (5), on a child-by-child basis. Transportation should be documented in a travel log, case notes or a child visitation report.

Standard 10. Guardian ad Litem Good Samaritan Policy

Any certified volunteer GAL or staff member may transport a child when a situation arises that presents an emergency or safety issue for the child.

Comments
A GAL will never be required to transport a child. If the GAL voluntarily chooses to transport the child, the GAL must always be in communication with the child’s caseworker and/or “on call” case management staff, and the GAL’s CAM, who must notify the CBI Attorney of the circumstances that warranted transportation of the child in an emergency situation. Together they will make the decisions necessary to resolve the immediate emergency or safety concerns and/or ensure that a placement that is in the best interest of the child is identified and a request made to the court to approve this placement. In keeping with the Program’s core values, the GAL must be honest with the child about what they can or cannot do in this situation.

The Circuit Director or his/her designee must be notified and updated when a GAL is involved in a situation as described in this standard.

Standard 11. Participation in Childhood Activities

The GAL shall advocate for the removal of barriers that prevent children from participating in age-appropriate extracurricular, enrichment and social activities. Advocating for children to participate in age-appropriate activities is consistent with the Program’s mission of representing the best interests of the children we serve.

Comments
The GAL Program recognizes the importance of foster children being able to participate in activities just as any other child might. “Participation in these types of activities is important to the child’s well-being, not only emotionally, but in developing valuable life-coping skills.” Section 39.4091, Florida Statutes (2013). Section 39.4091, Florida Statutes, requires
caregivers, rather than caseworkers, the DCF or the court, to make decisions regarding activities in which foster children may participate – removing obstacles and red-tape. Included in these childhood activities is the ability for a youth of qualifying age to participate in the “Keys to Independence Program,” which allows teens in licensed care to participate in driver’s education and receive their driver’s license prior to leaving foster care. The GAL Program shall work with the caregiver, the DCF and the court to ensure that barriers are overcome and caregivers are empowered to make decisions regarding activities promoting normalcy for the foster children in their care. Group homes are not exempt from normalcy requirements. Each group home and shelter must identify someone to be the “caregiver.”

Although caregivers may consult with case managers and others prior to making decisions regarding activities in which their foster children participate, it is ultimately the caregiver’s decision. The DCF, therapist, CBC staff, the GAL, other caregivers, and case managers may offer advice to support the caregiver in making decisions as a reasonable prudent parent, however, they may not make the decisions for caregivers. The GAL should be continuously aware of who is making the decisions for foster children. If there are logistical or cost barriers to participation in activities the GAL can advocate for solutions, including support from other providers, non-profits, and community resources. A caregiver’s decisions regarding normalcy activities cannot be contrary to a pre-existing court order.

**Standard 12. Promoting and Advancing Inclusiveness and Diversity**

The Program is committed to promoting and advancing diversity and inclusiveness as essential values and shall advocate for the children it serves consistent with its commitment to these values. The Program shall continue to demonstrate its commitment on both a state and local level by promoting diversity and inclusiveness in all Program administration, management and volunteer recruitment.

**Comments**

Differences in age, race, ethnic heritage, religion, sexual orientation and gender identity provide experiences, perspectives and ideas that can enhance our work environment and elevate our child advocacy. By embracing these differences in recruitment and training Program staff, volunteers, and board members for our designated non-profit organizations, we provide the best services for the children we serve with the honesty, integrity and respect that all persons deserve.

**Standard 13. Public Relations**

13. A. **Media Relations.** The Program shall respond to media inquiries accurately and timely while protecting the privacy of the children it represents.
As a public agency, the Program must be open and accountable to the public. Concurrently, the Program must also protect the privacy of the children it represents.

The Circuit Director must ensure that the Program does not provide information to the media that relates to a specific child in accordance with the Confidentiality Standard and Program protocol. If the contact is about a specific child, the Circuit Director can use the media contact as an opportunity for public awareness and education about the mission of the Program and any circuit resource needs.

Staff shall inform the Circuit Director whenever they or a GAL are contacted by the media.

13. B. Public Awareness. The Program disseminates public information to broaden awareness of the Program, its mission and its needs, and to recruit volunteers to represent children in the dependency system.

Comments
It is important and essential for the growth of the Program to increase the public’s understanding of the Program. General information about the Program may be distributed to media representatives. Youth who are recognized by the Program and want to share their story are permitted to do so.


The Executive Director of the Program or his designee has the authority to approve individual exceptions to the Standards when the action taken or requested by the GAL or staff member is in the best interest of a child.

Comments
Program Standards do not exist to impede the ability to think and plan in a creative and enlightened manner. The children served by the Program need and deserve GAL staff and volunteers who are forward thinking and innovative in order to solve all challenges they may face. Innovative and progressive leadership is expected to be the norm, not the exception.
This will certify that I have received and reviewed the July 2015, *Guardian ad Litem Program Standards*, and have had an opportunity to discuss this with my supervisor if I had questions.

I have also reviewed the Guardian ad Litem Program *Code of Conduct* on page 14, and understand that this *Code* and the *Standards* should guide and govern my actions while employed by or volunteering for the Guardian ad Litem Program.

________________________________________
SIGNATURE

________________________________________
PRINT NAME

________________________________________
DATE