



STATEWIDE
**GUARDIAN
AD LITEM
OFFICE**

STANDARDS OF OPERATION



REPRESENTING FLORIDA'S
ABUSED, NEGLECTED, AND
ABANDONED CHILDREN.

www.guardianadlitem.org

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Standard 1. Purpose and Scope.

1.A. Application. The Florida Statewide Guardian ad Litem (GAL) Office Standards are required by law and exist to promote excellence in the representation of abused, abandoned, and neglected children while enabling local creativity and innovation to expand quality representation and meet the needs of the children in their communities.

These Standards are binding for all Office staff and volunteers. In addition to these Standards, attorneys affiliated with the Office are regulated by the Rules Regulating The Florida Bar. In adhering to these Standards, the best interests of the child should always be the governing factor. Some guidance on interpreting the Standards can be found in the Comments, and advocates are encouraged to consult the Office's website and the I Am for the Child Academy for more details on implementation and best practices.

1.B. Office Mission. To provide the most vulnerable children in Florida with an adult from their community who will be a consistent, positive presence in the child's life as part of a multi-disciplinary team that includes an attorney, child welfare professional and hopefully a community volunteer providing the highest quality community advocacy and legal representation to protect each child's legal interests. To provide dependency judges with thorough and accurate information regarding the children under the court's jurisdiction.

1.C. Office Vision. To represent every child under the jurisdiction of Florida's dependency courts.

1.D. Definitions. For purposes of these Standards:

- The Guardian ad Litem Office (GAL Office) refers to the Statewide Guardian ad Litem Office, which includes each Circuit Office, the staff, volunteers and pro bono attorneys working on behalf of the Office.
- Guardian ad Litem (GAL) refers to the individual or individuals who are assigned by the Office to represent children using a best interests standard for decision-making and advocacy, including certified volunteers, Child Advocate Managers, GAL Attorneys, pro bono attorneys, or other staff members of the Statewide or Circuit Offices.
- GAL Attorney refers to an attorney assigned by the GAL Office to represent children and provide legal counsel to the GAL in the circuit dependency proceeding or the appellate courts.
- Child Advocate Manager (CAM) refers to an individual that has been certified as a CAM with the Florida Certification Board and is assigned by the GAL Office to represent children and advise, coach, manage, and support volunteers. A CAM

may also serve in a staff advocate role and provide GAL representation with or without the assistance of a volunteer GAL.

- Attorney ad Litem (AAL) refers to an attorney who is appointed by the court to represent the child for purposes of the dependency proceeding in a traditional attorney-client relationship where the child directs the representation, and the attorney will observe the attorney-client privilege and maintain confidentiality with the child while advocating in accordance with the child's directives as required by the Rules Regulating The Florida Bar.
- Pro Bono Attorney refers to an attorney assigned by the GAL Office to represent children in a role authorized by the GAL Office.

1.E. Core Values. The GAL Office is committed to the following Core Values, which should guide the everyday advocacy of volunteers, staff, and attorneys:

- Commitment to Children- We give our undivided loyalty to the children we represent.
- Communication Built on Trust- The GAL Office has a culture of open communication, active listening, teamwork, and regard for the views of others. This includes being honest and straightforward with the court, our stakeholders, and the children we represent.
- Collective Empowerment- Each Circuit has the authority and responsibility to make and implement the best decisions and strategies to protect and further the child's best interests. This empowerment should be passed on to volunteers, staff, and attorneys.
- Collaboration- The GAL Office proactively seeks to develop relationships with parents, caregivers, community partners, and other individuals to further the best interests of children.
- Courtesy- The GAL Office values all individuals involved in the dependency proceedings and treats them with respect and dignity.

Standard 2. The Role of the Guardian ad Litem.

2.A. Represent the Child Using the Best Interests Standard of Advocacy. The GAL Office shall represent each individual child and advocate for the child's rights and best interests in the courtroom and in other proceedings where decisions impacting their interests are being made. The GAL shall be present at all critical stages of the dependency proceeding, provide reports and recommendations to the court as required by law, and take any other action determined to be in the child's best interests, including the child's legal interests. The GAL Office shall use a best interests standard of decision-making and advocacy, using the reasonable judgment and efforts of the GAL Team, and

consulting the child to the extent possible in a manner consistent with the child's age, cognitive ability, maturity, trauma history, and therapeutic needs. Determinations related to best interests should be consistent with the goals established by the Legislature for children in dependency proceedings, such as placement in a home free from harm; reunification or other permanency within a year; regular visitation with parents and siblings; appropriate and necessary assessments and services; reasonable, deliberate transitions; and involvement in the proceeding as appropriate, and tailored to the unique needs of each child.

2.B. Fiduciary Duty; Avoiding Conflicts of Interest. The GAL Office, its staff, attorneys, and volunteers are fiduciaries that owe undivided loyalty to each child represented and must only act in the child's best interests. GAL Office staff, attorneys, and volunteers must provide each child with zealous independent advocacy and supply the court with information to make decisions in the child's best interests. The GAL Office shall not accept appointment to a case where a conflict of interest exists and shall monitor cases if a possible conflict of interest arises after the appointment. GALs should consult and act in accordance with any Statewide Office guidelines with regard to the identification and resolution of conflicts of interest.

Comments - The purpose of a GAL is to represent each child's individual rights and interests and to provide information and recommendations to the court consistent with each child's best interests. Once appointed by the court, the GAL Office, its staff, attorneys, volunteers and/or pro bono attorneys must act only in the interest of the appointed child, placing no other interests before it. A conflict of interest between the GAL Office and a child or children will be found if the GAL Office has a duty, or the appearance of a duty, to another that may prevent the GAL Office from acting in the child's best interests or reporting to the court. Examples include prior involvement with individuals involved in a case, representation of multiple children whose interest conflict, or personal reasons or relationships. A situation when the GAL is advocating in good faith for the child's best interests and the child conveys a position that may be opposed to the position taken by the GAL is not, by definition, a conflict of interest. GALs must notify the GAL Attorneys if they are aware of a possible conflict of interest, who will inform the Managing Attorney or Circuit Director.

2.C. Independent Investigation. GALs must investigate the case and collect first-hand information related to the child's safety, overall well-being, and best interests throughout the case.

Comments - Under Florida and federal law, a guardian ad litem must be appointed to gain a first-hand understanding of the child's situation in order to make an informed

recommendation to the court. In addition to visiting the child frequently and in a variety of settings, the GAL Team should speak with and collect information from the child's parent or parents, the child's caregiver, and other individuals in the child's/family's life, such as teachers, coaches, or doctors. The GAL Team should speak directly with providers and others who have first-hand information about the child and parents and not rely only upon information reported by other parties, for example, the allegations of the petition, placement options, services, case plan compliance, and permanency.

2.D. Reporting Information and Providing Recommendations to the Court. The GAL Team shall report information and provide recommendations to the court in accordance with statutory requirements, and at any time it is determined to be in the child's best interests. The GAL Team's reports and recommendations should be accurate, up-to-date, and informed by the child to the extent possible in a manner consistent with the child's age, cognitive ability, maturity, trauma history, and therapeutic needs. The GAL should report the child's wishes to the court as required by statute, including when the child's preferences are inconsistent with the GAL's recommendations.

2.E. Support from a Safe and Stable Adult. GALs should be aware of children's needs for stability throughout the case and attempt to identify a safe and stable adult to support the child throughout the case or be that person.

Comments – For decades, the hallmark of the GAL Office has been that GALs are often the only adult that stays with a child throughout the dependency case. The presence of a safe and stable adult has been scientifically demonstrated to minimize trauma, build resilience, and improve outcomes for children. GALs should engage the child in discussion about which people, routines, or items they need to feel supported and safe and should advocate that the child have access to those. GALs should seek to serve as a consistent, positive presence in the child's life and support the child throughout the case by being present at events the child is required or chooses to attend.

If a child ages out of the dependency system, or at any time after a court discharges the GAL Office, the GAL may stay involved in a child's or young adult's life if the child or young adult wishes to maintain the relationship and, in the case of children, the caregiver agrees. Relationships outside of the court's jurisdiction are in an individual and personal capacity. GALs in such relationships are not acting as designees of the GAL Office and should not hold themselves out as such. However, if a young adult contacts the GAL for the purpose of entering or re-entering Extended Foster Care, the GAL can offer to assist the youth, contact the GAL Office, and seek re-appointment if it is in the young adult's best interests and with their consent.

2.F. Supporting the Child’s Participation in the Proceedings. Children have the right to participate in all aspects of their dependency proceedings. The GAL Team should ascertain the child’s desire and willingness to participate in dependency proceedings, determine if it is in the child’s best interests to participate, and support the child’s participation as appropriate.

Comments - The GAL Attorney should assess whether and when to talk with the child directly about participation in hearings and events that occur in or out of court (e.g., multi-disciplinary staffings, case planning, mediation) with input from the GAL Team, helping the child understand the proceeding and the different ways to provide input (e.g., speak to judge in chambers, provide a written statement). The GAL Team should follow local court procedures related to the attendance of children at court hearings and prepare children for the proceedings they will attend in a developmentally appropriate, trauma-informed way. If the child does not want to attend court or the GAL Team determines that it is not in the best interests of the child to attend court, the GAL Attorney should notify the court and other parties. If the child wants to attend, but the GAL Team does not believe it is in the child’s best interests, for example, after a recommendation by a therapist, the GAL Attorney should file the appropriate pleading with the court.

Standard 3. Guardian ad Litem Code of Conduct.

GALs shall:

1. Diligently represent children and be guided solely by their best interests, and only take actions that are within the scope of a guardian’s ad litem 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 as soon as possible after becoming aware of the allegation;
4. Notify the Circuit Director within 24 hours or the next business day if he or she becomes involved in an investigation or a case with allegations of child abuse or neglect, including investigations involving family members;
5. Advise the Circuit Director within 24 hours or the next business day if he or she is arrested, charged with, or convicted of a criminal offense;
6. Act with professionalism at all times while acting as a representative of the Guardian ad Litem Office and in matters related to GAL representation;
7. Uphold and comply with all of the Statewide Guardian ad Litem Office’s Standards, guidelines, and core values, as well as any local Circuit Guardian ad Litem Office guidelines;

8. Not practice, condone, facilitate, or participate in discrimination, including but not limited to discrimination including but not limited to discrimination on the basis of race, color, gender, sexual orientation, gender identity, age, religion, ethnicity, marital status, or disability.
9. Not accept a fee for services as a GAL assigned through the GAL Office, nor solicit funds or gifts for personal benefit; and
10. Not engage in ex parte communication with the court.

Standard 4. Guardian ad Litem Office Team Model of Advocacy.

4.A. Use of Multi-disciplinary Teams. The GAL Office will represent children using a multidisciplinary team model of advocacy that will typically include a certified Volunteer, CAM, and GAL Attorney. The membership of the GAL Team should be tailored to the unique needs of each child, and while children may have more or less than three individuals from the GAL Office on their GAL Team, a GAL Attorney must be on the case of every child.

4.B. Formulating Reports and Recommendations; Conflict Resolution.

GAL Teams should collaborate to provide proactive, child-centered advocacy for children in court and the community, providing reports and recommendations to the court as required by law and when in the best interests of the child. GAL Teams should conduct ongoing information gathering, case staffings, and routine information-sharing to develop case-specific action plans, goals and timeframes that may be updated throughout the case. The GAL Attorney should provide advice and counsel to the team and the child, who should be provided opportunities to give input and inform the team's advocacy to the extent possible consistent with the child's age, cognitive ability, maturity, trauma history, and therapeutic needs.

If a difference of opinion regarding a case issue or advocacy decision arises, the team should discuss the issue, conduct a staffing if necessary, and develop a consensus position. If team members cannot reach a consensus, they must consult with the Circuit Director and Managing Attorney. If, after consultation with the Circuit Director and Managing Attorney, the GAL Team does not reach a consensus, the Circuit must consult with the appropriate Statewide Office staff. The team should consider whether there is a benefit to providing information concerning a disputed issue to the court which should be decided by the GAL Attorney but should give the court a single recommendation regarding the child's best interests.

4.C. Communicating with Children. GALs should have open and honest communication with children in a manner that is consistent with the child's age, cognitive ability, maturity, trauma history, and therapeutic needs.

Comments – Communication with children should be consistent, developmentally appropriate, and culturally sensitive. Members of the GAL Team should explain their role, how the child can reach them, and what a child can do if they have a problem or concern with their case or the GAL. In communicating the GAL role, children who can understand should be told that the GAL advocates for their best interests and does not maintain confidentiality or have attorney-client privilege.

4.D. Child Visits and Contact. GALs should visit the child in person and/or contact the child a minimum of once every month in accordance with Statewide Office policy. In addition to in-person visits, GALs may communicate with children using video technology, phone calls, or text messages based on the unique circumstances and needs of the child. If a GAL encounters barriers to gaining access to an assigned child or is only given limited access to children or their environment, the GAL's immediate supervisor should be notified as soon as possible.

4.E. GAL Shall Not Serve as Caregiver. GALs should not assume the role of the child's caregiver or make decisions that should be made by the child's caregiver. If circumstances arise where it is in the best interests of a child for a GAL to take greater responsibility for a child, for example, traveling with a child who is going to a distant placement or event, the GAL Team should consult with the Circuit Director and obtain permission and notify the court as needed.

Comments - This Standard does not prohibit GALs from transporting children, sharing a family meal/holiday celebration, serving as an educational or health surrogate, or teaching a child to drive and/or sign the child's learner's permit in accordance with the statutes and GAL policies. If a GAL wishes to become an out-of-home caregiver or adoptive parent for a child represented by the GAL Office, the GAL should notify the Circuit Director so appropriate steps can be taken to avoid a conflict of interest consistent with Standard 2.B.

Standard 5. Guardian ad Litem Certification and Oversight.

5.A. Guardian ad Litem Recruitment, Screening, and Selection. Each Circuit Director is responsible for the recruitment, screening, and selection of GAL Volunteers, including pro bono attorneys and mentors who meet GAL Office qualifications and reflect the

inclusiveness and diversity that are essential components of quality advocacy for children.

5.B. Guardian ad Litem Qualifications. All GAL Volunteers must complete an application, interview, and background check approved by the Statewide Office and meet the qualifications in the Florida Statutes. A Circuit Director has sole discretion to accept or reject a GAL lay volunteer applicant. The Circuit Director must work in collaboration with the Director of Pro Bono Operations to accept or reject a pro bono attorney.

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

5.C. Guardian ad Litem Pre-Certification Training. GAL Volunteer applicants and staff members must successfully complete 30 hours of pre-certification training provided by the GAL Office prior to being certified as a GAL Volunteer, unless the Circuit Director determines the individual has comparable training.

An attorney in good standing with The Florida Bar is eligible to serve as a Guardian ad Litem after completion of any training requirements established by the Circuit Director and Director of Pro Bono Operations in lieu of the 30 hour pre-certification training.

Comments - Circuit Offices must use the Guardian ad Litem pre-certification training module approved by the Statewide Office. A Circuit Director may use his/her discretion to include training in addition to the approved curriculum.

A foster parent who is currently licensed, in good standing with the licensing agency, and has completed the agency's required training can be eligible for certification after completion of a successful background check approved by the Statewide Office. The Circuit Director has the discretion to waive completion of any portion of the pre-certification training.

Additionally, employees of other child welfare related agencies and law enforcement agencies who have completed the required training and background checks conditional for their employment may be certified as GALs without additional training on a case-by-case basis at the discretion of the Circuit Director.

5.D. Guardian ad Litem Office In-Service Training Requirement. GAL staff and Volunteers must complete the required minimum hours per year of in-service training and should document it in the GAL Office's online database. For GAL Volunteers, the minimum is 12 hours annually. For CAMs, the minimum is 40 hours every two years pursuant to the Florida Certification Board renewal requirements for their Child Advocate Manager Certification. There is no in-service requirement during the volunteer GAL's first year after certification, and there is no in-service requirement for pro bono attorneys or any attorneys working for the GAL Office as long as they are in compliance with their Continuing Legal Education (CLE) as active members of The Florida Bar.

5.E. Specialty Training and Certification. GAL staff and Volunteers must complete any specialized trainings required by statute or GAL Office policy prior to advocating for a child whose needs require such training.

Comments - CAMs should confirm that GALs have the requisite training prior to assigning the case. If a member of the GAL Team discovers that the child's circumstances change during the representation and additional training is required, he or she should notify the rest of the GAL Team and initiate a plan to comply with the statute or policy. Completion of other specialty training or certification, for example, for mentoring, educational advocacy, or transportation, should be documented in the GAL Office's online database.

5.F. Transportation of Children. GALs approved by the Circuit Director may be permitted to transport children represented by the GAL Office consistent with the GAL Office's Transportation Guidelines if the child's caretaker gives permission for the GAL to do so. However, if a situation arises that presents a potential safety issue or emergency for a child, any GAL may transport if necessary.

Comments - Interested GALs may seek approval to transport children but shall not be required by the GAL Office or ordered by the court to do so. In order to transport children, all GALs must follow the GAL Office's Transportation Guidelines. Approval to transport must be documented in the personnel file and the GAL Office's online database. Any denials to transport are to be determined by the Circuit Director and properly documented.

If an emergency requires that a child be transported outside of approved procedures, a GAL Volunteer should contact the CAM so the GAL Office can be in communication with the child's caseworker and/or the CBC's on-call case management staff. The GAL Attorney must also be notified, and the GAL Team should work with the CBC to resolve the immediate emergency or safety concerns. The Circuit Director or his/her designee

must be notified and updated when a GAL is involved in an emergency situation as described in this standard.

5.G. Guardian ad Litem Annual Recertification Reviews. Each certified GAL Volunteer shall participate in an annual re-certification review.

5.H. GAL Serving as Out-of-Home Caregiver. An individual who is serving as an out-of-home caregiver for a child, or is in the process of becoming an out-of-home caregiver, may continue to serve as a GAL. An individual cannot serve as the GAL for a child placed in his or her home. However, out-of-home caregivers do not have an inherent conflict of interest that would make them unable to serve as GALs. If the GAL Office is aware that a child represented by the GAL Office is placed with an individual who is a current or former GAL volunteer or employee, regardless of location, the GAL Team shall assess whether the placement creates a conflict of interest and act in accordance with Standard 2.B.

5.I. Non-Case Volunteers. A Circuit Director may authorize volunteers to provide support and enhancements for the daily operations of the GAL Office instead of or in addition to being assigned to the cases of individual children. The volunteers must complete the same background screening as a certified GAL and sign a confidentiality agreement if they will be working with confidential case records or information.

Comments - Volunteers who will not be assigned to cases do not need to complete the 30 hours of GAL training. Youths 17 years of age and older can serve as non-case volunteers. Each Circuit Director should develop and implement an orientation that will assist volunteers in understanding the GAL Office's mission and their roles and responsibilities. Background screening is required for youth as for adults.

5.J. Reassignment or Discharge of GAL Volunteer. The decision to reassign a GAL Volunteer from an assigned child or discharge the GAL Volunteer from the GAL Office is the responsibility of the Circuit Director and may not be delegated; the decision to remove a pro bono attorney shall be conducted in consultation with the Director of Pro Bono Operations. The Circuit Director shall inform the volunteer who is reassigned from a case or discharged from the GAL Office of the basis for the decision and document the decision in the volunteer file.

5.K. Out of Circuit Cases. All cases referred to another circuit for visitation and monitoring assistance will be assessed for assignment in accordance with Statewide Office policy and, 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.

Comments - A GAL Volunteer or staff member who is conducting in-person visits with the child will be a member of the GAL Team and a co-GAL for the child. His/her best interests recommendations as to the needs of the child should be included in all GAL court reports. The GAL Attorney should notify the court and parties and seek any accommodations that would allow the GAL visiting the child to participate in court hearings as necessary. If a difference of opinion arises that cannot be resolved within the GAL Team, the conflict resolution procedure in Standard 4.B should be engaged.

5.L. Out of State Request for Child Advocacy Assistance. There is no statutory authority for the GAL Office to provide child-specific support for advocacy services from another state's court, GAL or CASA Program. This does not preclude a Circuit Director from providing information regarding services and resources that will assist the requesting state with their advocacy. Any visit can only be conducted with approval from the prospective caregiver and the placement agency.

Standard 6. Case Records.

6.A. Case File Maintenance. GAL Volunteers and staff must maintain records for each child represented and follow guidelines for the retention, protection, destruction, and return of the case files and any electronic records when the case is closed in accordance with Florida Statutes and Statewide Office policy.

6.B. Confidentiality. GAL Volunteers and staff must maintain confidentiality of case records. Disclosure of information to any person who is not a party to the case shall only be made in accordance with statutes and in furtherance of the child's best interests. Confidentiality of case records and information relating to the case extends beyond the closure of the case and does not end when a GAL Volunteer or staff member resigns or is terminated from the GAL Office.