



STATEWIDE
**GUARDIAN
AD LITEM**
OFFICE

STANDARDS OF OPERATION



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

www.guardianadlitem.org

DECEMBER 2024



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Standard 1. Purpose and Scope.

1.A. Application. The Florida Statewide Guardian ad Litem Office (Office) Standards are required by law and exist to govern guardian ad litem representation of children by the Office and promote excellence in the representation of abused, abandoned, and neglected children.

These Standards are binding for all Office staff and volunteers, including guardian ad litem-screened and trained mentors. 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 Guardian ad Litem 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, a 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 provide high-quality legal representation to every child under the jurisdiction of Florida's dependency courts.

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

- The Office refers to the Statewide Guardian ad Litem Office, which includes all circuit offices.
- Guardian ad Litem (GAL) refers to the Statewide Guardian ad Litem Office and 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. See §39.01(32), Fla. Stat. effective July 1, 2024.
- GAL Attorney, or Attorney as Guardian ad Litem, refers to an attorney assigned by the Office to represent the independent legal interests of assigned children throughout the dependency case, including any appeals. The attorney may work as part of a GAL multidisciplinary team and may represent the child outside the dependency case to secure the services and benefits that provide for the care, safety, and protection of the child. The GAL Attorney is a guardian ad litem for the

child pursuant to Florida law. As such, the GAL Attorney is the child's fiduciary like any other guardian ad litem and does not represent the interests of any other person or entity.

- 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.
- Volunteer refers to any of the following:
 - GAL Volunteer refers to an individual who may be a certified lay volunteer or attorney who is assigned by the Office as part of a multi-disciplinary team who is an adult from the child's community.
 - GAL Pro Bono Attorney refers to an attorney from the child's community who may be assigned by the Office as a GAL Attorney, a GAL Volunteer, or a mentor.
 - Mentor refers to a screened and trained volunteer who will be a supportive adult for a youth transitioning out of licensed care.
- Attorney ad litem means an attorney appointed by the court to represent a child in a dependency case who has an attorney-client relationship with the child under the rules regulating The Florida Bar. See §39.01(8), Fla. Stat. (2024). An AAL may be a pro bono attorney recruited by the Office.
- Fiduciary means someone who is required to act for the benefit of another person who owes to another person the duties of good faith, loyalty, and due care.

1.E. Core Values. Our values are contained within three principals: Integrity, Excellence and Child-Centered Representation.

- **Integrity:** The Office upholds the highest standards of ethical behavior, ensuring honesty, dignity, and accountability in all aspects of its activities.
- **Excellence:** The Office strives for excellence in all that it does, setting high standards for quality, performance, and professionalism.
- **Child-Centered Representation:** The Office is bound by a duty of undivided loyalty and due care to each child. GALs represent each child's independent interests using a best interest standard of decision-making.

Standard 2. The Role of the Guardian ad Litem.

2.A. Represent the Child Using the Best Interests Standard of Advocacy.

Guardians ad litem must represent each individual child and advocate for the child's

interests in the courtroom and in other proceedings where decisions impacting their interests are made. GALs must use a best interests standard of decision-making and advocacy, based on the reasonable judgment and efforts of the GAL multi-disciplinary team, and in consultation with the child to the extent possible in a manner consistent with the child's age, cognitive ability, maturity, trauma history, and therapeutic needs. Representation of the child 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. GALs are fiduciaries who owe a duty of undivided loyalty and due care to each child represented and must only act in the child's best interests placing no other interest before it. GALs must provide each child with zealous independent advocacy and supply the court with information to make complete and accurate decisions that are in the child's best interests. The 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 Office policy regarding the identification and resolution of conflicts of interest.

Comments -GAL attorneys are attorneys assigned by the Office as guardians ad litem to represent a child. GAL attorneys do not represent the GAL Office, employees or volunteers of the GAL Office, the State of Florida or any other person or entity. A conflict of interest between the Office and a child or children will be found if the Office has a duty, or the appearance of a duty, to another that may prevent the Office from acting in the child's best interests or reporting to the court. A situation in which 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, a conflict of interest. When staff, volunteers or pro bono attorneys assigned as GALs become aware of any possible conflict of interest, he or she must notify the GAL Attorney when they become aware, and the GAL Attorney will inform the Managing Attorney and Circuit Director. A caregiver may not be the GAL for any child placed in his or her home.

2.C. Independent Investigation. GALs must investigate the case and collect first-hand information and records related to the child's health, safety, education, and well-being.

Comments - Under Florida and federal law, a guardian ad litem must be appointed to represent the child. A guardian ad litem must investigate the child's circumstances and

gain a first-hand understanding of the child's case to make an informed recommendation to the court. In addition to contacting the child regularly and in a variety of settings, the GAL should speak with and collect information from the child's parent or parents, the child's caregiver, and other individuals in the child's and family's life, such as teachers, coaches, or doctors. The GAL should speak directly with providers and others who have first-hand information about the child and parents and obtain records to which the GAL is entitled, which include, but are not limited to, medical, mental health, substance abuse, childcare, education, law enforcement, court, social services, and financial.

2.D. Reporting Information and Providing Recommendations to the Court. The GAL 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 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 preferences 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 or Mentor. GALs should be aware of children's needs for stability throughout the case and attempt to identify a safe and stable adult or mentor to support the child throughout the case or to be that person.

Comments – For decades, the hallmark of the Office has been that GALs are often the only adults that stay 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 accordingly. 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 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 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 young adult, contact the 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 hearings and mediations unless the court finds it not in their best interest and in case planning conferences, if appropriate. The GAL 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 communicate with the child to the extent possible and in an age-appropriate manner about participation in hearings and events that occur in or out of court (e.g., multi-disciplinary staffings, case planning, mediation). The GAL Attorney may work with the GAL multi-disciplinary team in helping the child understand the proceedings and the methods of providing input to the court, such as in camera interviews and written statements. The GAL multi-disciplinary 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 multi-disciplinary 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, and if necessary, file a motion to excuse the child. If the child wants to attend but the GAL multi-disciplinary 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 and Mentors must:

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 or Mentor 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. Notify 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. Licensed members of The Florida Bar, within 24 hours of notice of a Bar Complaint, inform the Circuit Director and Managing Attorney;
7. Within 24 hours of notice of an ethics complaint from the Florida Certification Board, Certified Child Advocate Managers, notify the Circuit Director;
8. Act with integrity and professionalism at all times while acting as a representative of the Office and in matters related to GAL representation;
9. Uphold and comply with all of the Office's Standards, guidelines, and core values, as well as any local Circuit Guardian ad Litem Office guidelines;
10. Not discriminate based on age, race, color, religion, national origin, marital status, or disability while acting as a representative of the Office and in matters related to GAL representation.
11. Not accept a fee for services as a GAL assigned through the GAL Office, nor solicit funds or gifts for personal benefit; and
12. 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 multi-disciplinary team should be tailored to the unique needs of each child, and while children may have more or less than three individuals from the Office on their GAL multi-disciplinary team, a GAL Attorney must be assigned to represent the independent legal interests of every child.

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

GAL multi-disciplinary team members 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 multi-disciplinary team members 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 will direct the legal advocacy for the child and counsel and advise the child regarding the child's legal needs. The child 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.

Every member of the team, including the GAL attorney, is the child's GAL with the duty to determine if a proposed course of action is or is not in the child's best interest. If a

difference of opinion regarding a case issue or advocacy decision arises, the GAL multi-disciplinary 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 multi-disciplinary team does not reach a consensus, the Circuit must consult with the appropriate Statewide Office staff.

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 multi-disciplinary 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 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. GAL Attorneys are required to visit/contact the child he or she represents. All communication with children by GAL attorneys is governed by Office policy.

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 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, pro bono attorneys, and mentors who meet Office qualifications.

5.B. Guardian ad Litem Qualifications. All volunteers must complete an application, interview, and background check pursuant to Office policy 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 Volunteer Pre-Certification Training. GAL Volunteer applicants must successfully complete pre-certification training provided by the 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 standard pre-certification training.

Comments - Circuit offices must use the Guardian ad Litem pre-certification training module approved by the Office. A Circuit Director must get approval from his or her Regional Director prior to including training in addition to the approved curriculum.

Employees of other related agencies and law enforcement agencies who have completed 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 in accordance with GAL Office policy. For CAMs, the minimum is 20 hours annually pursuant to the Florida Certification Board renewal requirements for their Child Advocate Manager Certification. Attorneys working for and volunteering with the Office must maintain compliance with their Continuing Legal Education (CLE) requirements pursuant to The Florida Bar.

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

Comments - CAMs should confirm that volunteers have the requisite training prior to assigning the case. If a member of the GAL multi-disciplinary 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 multi-disciplinary 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 Office's online database.

5.F. Transportation of Children. GALs and mentors approved by the Circuit Director may be permitted to transport children he/she is assigned to, consistent with the Office's transportation policy, if the child's caretaker gives permission for the GAL or mentor to do so. However, if a situation arises that presents a potential safety issue or emergency for a child, any GAL or mentor may transport if necessary.

Comments - Interested GAL staff or volunteers may seek approval to transport children but shall not be required by the Office or ordered by the court to do so. In order to transport children, all GALs and mentors must follow the Office's transportation policy. Approval to transport must be documented in the personnel file and the 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 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 multi-disciplinary 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. Non-Case Volunteers. A Circuit Director may authorize volunteers to provide support and enhancements for the daily operations of the 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 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.I. 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.J. Out of Circuit Cases. All cases referred to another circuit for visitation and monitoring assistance will be assessed for assignment in accordance with 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 is a member of the GAL multi-disciplinary team. The team must collaborate in the development of recommendations and GAL report drafting. The GAL Attorney should notify the court and parties and seek any accommodations that would allow the out-of-circuit GAL to participate in court hearings as necessary. If a difference of opinion arises that cannot be resolved within the GAL multi-disciplinary team, the conflict resolution procedure in Standard 4.B must be engaged.

5.K. 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.

**VERIFICATION OF RECEIPT
GUARDIAN AD LITEM OFFICE**

OFFICE STANDARDS AND CODE OF CONDUCT

My signature below certifies that I received and reviewed the December 2024 ***Statewide Guardian ad Litem Office Standards*** and had an opportunity to discuss the Standards and any questions I had about them with my supervisor.

I also reviewed the Statewide Guardian ad Litem Office **Code of Conduct** (Standard 3) and understand that this **Code** and the **Standards** should guide and govern my actions while employed by or volunteering for the Statewide Guardian ad Litem Office.

SIGNATURE

PRINT NAME

DATE



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