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A bill to be entitled 1 2 An act relating to guardians ad litem; amending s. 61.402, 3 F.S.; authorizing a person certified by a not-for-profit 4 legal aid organization to serve as a quardian ad litem in 5 a dissolution of marriage proceeding that does not involve 6 child abuse, abandonment, or neglect; requiring that such 7 person undergo a security background investigation and 8 undergo training in a program developed by The Florida Bar; providing that the not-for-profit legal aid 9 10 organization has the sole discretion in determining whether to certify a person based on his or her security 11 background investigation; specifying responsibility for 12 13 the payment of costs of the security background 14 investigation and training requirements; providing a 15 penalty for failing to disclose a material fact in an 16 application to act as a guardian ad litem; providing an effective date. 17 18 19 Be It Enacted by the Legislature of the State of Florida: 20 21 Section 1. Section 61.402, Florida Statutes, is amended to 22 read: 23 61.402 Qualifications of guardians ad litem. --24 A person appointed as a guardian ad litem pursuant to 25 s. 61.401 must be: either a citizen 26 (a) Certified by the Guardian Ad Litem Program pursuant to 27 s. 39.821;

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Certified by a not-for-profit legal aid organization

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(b)

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as defined in s. 68.096; to act in family law cases or

- $\underline{\text{(c)}}$ An attorney who is a member in good standing of The Florida Bar.
- (2)(a) Prior to certifying a guardian ad litem <u>pursuant to</u>

 <u>paragraph (1)(b)</u> to be appointed under this chapter, the <u>not-</u>

 <u>for-profit legal aid organization</u> <u>Guardian Ad Litem Program</u>

 must:
- 1. Conduct a security background investigation as described provided in s. 39.821 for which the not-for-profit legal aid organization has the sole discretion in determining whether to certify a person based on his or her security background investigation; and.
- 2. Provide training using the uniform objective statewide training program for guardians ad litem developed by The Florida Bar.
- (b) The security background investigation and the training program requirements as provided in this subsection must be paid for by the not-for-profit legal aid organization or the person seeking certification as a guardian ad litem through the not-for-profit legal aid organization.
- (1) (a) or paragraph (1) (c) may be appointed to a case in which the court has determined that there are well-founded allegations of child abuse, abandonment, or neglect as defined in s. 39.01.
- (4) Nothing in this section requires the Guardian Ad Litem

 Program or a not-for-profit legal aid organization to train or

 certify guardians ad litem appointed under this chapter.

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(5) It is a misdemeanor of the first degree, punishable as
provided in s. 775.082 or s. 775.083, for any person to
willfully, knowingly, or intentionally fail by false statement,
misrepresentation, impersonation, or other fraudulent means to
disclose in an application for a guardian ad litem any material
fact used in making a determination as to the applicant's
qualifications for such position.
Section 2. This act shall take effect July 1, 2009.