

Committee Substitute for Senate Bill No. 1018

An act relating to guardians ad litem; amending s. 61.402, F.S.; authorizing a person certified by a not-for-profit legal aid organization to serve as a guardian ad litem in a dissolution of marriage proceeding that does not involve child abuse, abandonment, or neglect; requiring that such person undergo a security background investigation and undergo training in a program developed by The Florida Bar; providing that 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; specifying responsibility for the payment of costs of the security background investigation and training requirements; providing a penalty for failing to disclose a material fact in an application to act as a guardian ad litem; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 61.402, Florida Statutes, is amended to read:

61.402 Qualifications of guardians ad litem.—

(1) A person appointed as a guardian ad litem pursuant to s. 61.401 must be; either a citizen

(a) Certified by the Guardian Ad Litem Program pursuant to s. 39.821;

(b) Certified by a not-for-profit legal aid organization as defined in s. 68.096; to act in family law cases or

(c) An attorney who is a member in good standing of The Florida Bar.

(2)(a) Prior to certifying a guardian ad litem pursuant to paragraph (1)(b) to be appointed under this chapter, the not-for-profit legal aid organization Guardian Ad Litem Program 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.

(3) Only a guardian ad litem who qualifies under paragraph (1)(a) or (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.

(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.

Approved by the Governor June 2, 2009.

Filed in Office Secretary of State June 2, 2009.