

17TH JUDICIAL CIRCUIT
DEPENDENCY COURT
PERMANENCY PILOT PROJECT

STANDARDS OF OPERATION
FOR STAFF
GUARDIANS AD LITEM

May 2002

PREAMBLE: PROGRAM STRUCTURE

(a) SCOPE: PURPOSE OF PROGRAM

Pursuant to Florida statutes 39.820 and 39.4085 (20), the Seventeenth Judicial Circuit in and for Broward County, Florida, has established Staff Guardians ad Litem as part of the Dependency Court Permanency Pilot Project, for the purpose of facilitating permanency for dependent children who have been in an out-of-home care setting for more than one (1) year.

The following Standards of Operation shall apply to the Dependency Court Permanency Pilot Project Staff Guardian ad Litem Pilot Program (hereinafter referred to as the Pilot Project).

The Pilot Project operates under the auspices of the Office of the Court Administrator; the management and supervision of its employees is the responsibility of the Court Administrator as delegated by the Chief Judge of this circuit.

(b) GENERAL PRINCIPLES

The mission of the Pilot Project Staff Guardian ad Litem/Case Coordinator is to advocate for the best interests of children in judicial proceedings assigned to division DP.

(c) DEFINITION OF GUARDIAN AD LITEM

“Staff Guardian ad Litem,” for the purpose of the court appointment of the Pilot Project, is an individual who is an employee of the Seventeenth Judicial Circuit Office of the Court Administrator, and who has met all of the requirements and is eligible for certification as a lay guardian by the State of Florida Guardian ad Litem Program.

(d) ROLE OF THE GUARDIAN AD LITEM

Florida law provides that the court shall appoint a guardian ad litem to represent the best interest of a child in any proceeding if that child is a victim of, or witness to, child abuse or neglect; in a dependency proceeding in which the child is alleged to be a victim of abuse or neglect, or the victim of sexual offense or witness to a sexual offense involving another minor; or in a family law proceeding in which there is a well-founded allegation of child abuse that is verified and determined by the court to be well-founded. Florida law authorizes the appointment of a guardian ad litem in other types of cases, when deemed appropriate, if there are sufficient program resources available.

For the purposes of this Pilot Project, appointments will be restricted to cases which are assigned to dependency division DP.

(e) ROLE OF THE PROGRAM ATTORNEY

The role of the program attorney is to provide legal counsel, representation, and other legal services to the Pilot Project Staff Guardians ad Litem and professional staff. The program attorney provides legal advice on issues affecting children served by the program, files pleadings, and attends court hearings and hearings with social service agencies concerning case disposition and child placement.

SECTION I: GUARDIAN AD LITEM QUALIFICATIONS AND TRAINING

GUARDIAN AD LITEM QUALIFICATIONS

The Pilot Project Director must ensure that applicants meet the following minimum qualifications prior to being hired to fill the position of Staff Guardian ad Litem:

1. be nineteen years of age or older;
2. having met all requirements for employment by the 17th Judicial Circuit Office of the Court Administrator
3. have no criminal record of a felony or a crime against persons for which there has been a judicial finding of guilt, or any other prior offense, arrest, or charge which could adversely affect the Staff Guardian ad Litem's performance of his or her duties;
4. have no prior history of allegations of abuse or neglect of a child and/or an adult; and
5. successfully having met all the requirements and are eligible for certification as lay guardians by the State of Florida Guardian ad Litem Program.

Employment screening must include a background investigation through the Florida Department of Law Enforcement's Florida Criminal History Check (FCHC).

SECTION II: PROGRAM ADMINISTRATION

APPOINTMENT OF GUARDIAN AD LITEM

Pursuant to the Order of Appointment, the Pilot Project will accept appointment by the court in child abuse and neglect proceedings which are assigned to Division DP.

ACCEPTANCE AND ASSIGNMENT OF CASES BY DEPENDENCY COURT PERMANENCY PILOT PROJECT STAFF GUARDIANS AD LITEM

Pilot Project staff will assign a Staff Guardian ad Litem within thirty (30) days of appointment of the Pilot Project to a case or resignation of an assigned Staff Guardian ad Litem. Immediately upon assignment to a case, the Staff Guardian ad Litem will file an Oath and Notice of Acceptance with the court. The Pilot Project must furnish copies of the Notice of Acceptance to all parties in the case.

RECORDS MANAGEMENT

Case Files must contain:

1. Case information sheet;
2. Order of appointment;
3. Oath of acceptance;
4. Staff case review notes;
5. Guardian ad Litem report to the court, if filed;
6. Statement of reason for discharge; and
7. other documentation as required.

CONFLICT OF INTEREST

The Pilot Project Case Manager will assure that the program provides independent representation of the best interest of the each child served by the Pilot Project . The Pilot Project Case Manager will release any Staff Guardian ad Litem or request discharge of the Pilot Project when there is a conflict of interest on the part of the Pilot Project staff, on the part of child's Staff Guardian ad Litem, or because of conflicts arising from representation of multiple parties. Any conflict of interest requiring discharge of the Pilot Project Staff Guardian ad Litem shall be reported in writing to the presiding judge in the case.

The purpose of Pilot Project Staff GAL is to represent "the best interest of the child." Because of the potential conflict in the representation of a child's "best interest" and the representation of the child's legal interests, the project may not provide an attorney to fill an appointment as an Attorney ad Litem for the purpose of providing legal representation for a child.

OUT-OF-CIRCUIT INVESTIGATIONS AND COURTESY MONITORING

When the Pilot Project is appointed to a case in which a party or witness resides outside the circuit and the assigned Guardian ad Litem cannot visit that party or witness, the Pilot Project may request assistance from a Guardian ad Litem Program in another circuit. All communications regarding the case should be directed to the Pilot Project staff Guardian ad Litem, who has jurisdiction over the case. The assisting Guardian ad Litem shall not file a separate report with the court, unless so ordered by the court.

DISCHARGE of PROGRAM

The Pilot Project must request discharge when the Pilot Project is unable to adequately represent the child, or when the services of the Staff Guardian ad Litem are no longer necessary as required by law, or as required by these standards.

SECTION III: SUPERVISION

CASE ASSIGNMENT

At the time of assignment of a new case to a Pilot Project Staff Guardian ad Litem, the Pilot Project Case Manager will communicate with the Staff Guardian ad Litem to discuss the child's case file, the plan for investigating the case, and general case management procedures.

SUPERVISION and CASE MONITORING

The Pilot Project Case Manager must communicate with the Staff Guardian ad Litem to monitor each case at a minimum of every thirty (30) days. Monitoring will include a comprehensive, thorough discussion of the case with the Staff Guardian ad Litem to determine the case progress and Guardian ad Litem activity. The Pilot Project Case Manager must enter summary notes in the case file describing case activity and must date and initial the file notation.

REPORTS to the COURT

The Pilot Project Staff Guardian ad Litem must file reports to the court as required by the court or by law. The Pilot Project Case Manager must review and sign all Staff Guardian ad Litem reports and shall provide copies to all parties. The Pilot Project Case Manager will not change the Staff Guardian ad Litem recommendations unless the report is contrary to law and these standards, and then only after consultation with the Staff Guardian ad Litem.

When a report is required, that report shall contain, at a minimum:

1. procedural background of case;
2. identification of all persons interviewed and other sources of information;
3. a statement of the child's educational, medical, and mental health services needs;
4. child's wishes (in dependency cases);
5. recommendations of the Staff Guardian ad Litem; and
6. all other matters as the court may require.

SECTION IV: CONDUCT AND DISCIPLINE

CONFIDENTIALITY

Neither Pilot Project Staff Guardians ad Litem nor Pilot Project staff may disclose, or participate in the disclosure of, confidential information relating to an appointed case to any person who is not a party to the cause, except in reports to the court and as provided by law or court order.

GUARDIAN AD LITEM NOT TO ACT AS CARETAKER

A Pilot Project Staff Guardian ad Litem must not permit, under any circumstance, any child or sibling of a child represented by a Pilot Project Staff Guardian ad Litem to be placed, invited to or temporarily housed in the residence of any Staff Guardian ad Litem.

COMPLAINTS

Complaints about the conduct of the Pilot Project Staff Guardian ad Litem in the exercise of the Staff Guardian ad Litem's responsibilities in a case may and can only be raised before the court by motion or by impeaching the testimony of the Pilot Project Staff Guardian ad Litem.

Complaints about the project operations, administration or management must be directed to the chief judge's designee for resolution.

GUARDIAN AD LITEM CODE of CONDUCT

The Pilot Project staff must advise the Staff Guardians ad Litem of the following Staff Guardian Ad Litem Code of Conduct. The program must require each Staff Guardian ad Litem to read, sign, and date a copy of the Code of Conduct at the time of being qualified as a Dependency Court Permanency Pilot Project Staff Guardian ad Litem. The signed and dated Code of Conduct must be maintained in the personnel file and a copy provided to the Staff Guardian Ad Litem.

The following is the Staff Guardian Ad Litem Code of Conduct :

The Staff Guardian ad Litem shall:

1. Maintain high standards of conduct in carrying out his/her duties and obligations.
2. Diligently represent and be guided solely by the best interests of the child.
3. Report honestly and impartially to the Court on what is in the best interests of the child.
4. Respect the privacy of the child and the family.
5. Hold confidential all information obtained in the course of service as a Staff Guardian ad Litem as required by law and these standards.

6. Not be related to or develop an intimate, social, or other nonprofessional relationship with any person connected to the case or be employed in a position that might result in a conflict of interest.
7. Request that the Pilot Project terminate service to the child when it is no longer required or no longer serves the child's needs or best interests.
8. Affirmatively advise the program within 48 hours if the Staff Guardian ad Litem is charged with or convicted of a criminal offense or becomes involved in any other court proceeding which might cause a conflict of interest or adversely affect the Staff Guardian ad Litem's ability to effectively advocate for a child.
9. Report any new incident of child abuse or neglect to the Pilot Project Case Manager and the abuse hotline.
10. Notify the Pilot Project Case Manager within 48 hours if the Staff Guardian ad Litem or any member of the Staff Guardian ad Litem's immediate family becomes involved in a case with allegations of child abuse or neglect.
11. Comply with Pilot Project policies.
12. Discuss all recommendations concerning the case with the Pilot Project Case Manager prior to submitting recommendations to the Court.
13. Obtain review approval from the Pilot Project Case Manager before submitting any document to the Court or other parties.
14. Have face-to-face contact with the child at least once per month.
15. Discuss case progress and Staff Guardian ad Litem activity at least every 30 days with Pilot Project Case Manager and maintain progress notes in file.

The Staff Guardian Ad Litem shall not:

1. Take action which:
 - a. endangers the child, a party, a witness or other person;
 - b. is outside the powers or role of the Staff Guardian ad Litem; or
 - c. violates the state or local law, court rule, Pilot Project policy, or court or Pilot Project procedure;
2. Contravene staff or court direction;
3. Repeatedly or significantly fail to perform a responsibility as a Staff Guardian ad Litem.
4. Violate the Pilot Project's Staff Guardian Ad Litem Code of Conduct or the Pilot Project's Standards of Operation;
5. Supervise visits or transport a child or family member of a child represented by the Guardian ad Litem Program or by the Pilot Project Staff Guardians ad Litem;
6. Engage in conduct that the Pilot Project Case Manager feels is inappropriate or not in the best interests of the Pilot Project;
7. Practice, condone, facilitate, or participate in any form of discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap, or any other preference or personal characteristic, condition, or status;

8. Accept a fee other than compensation provided for employment by the Court Administrator's Office, for services as a Staff Guardian ad Litem appointed through the Pilot Project.
9. Allow any child or family member of a child represented by the Pilot Project into their home;
10. Give therapeutic counseling;
11. Give legal advice or otherwise practice law if not licensed to practice law;
12. Misrepresent the role or position of the Staff Guardian ad Litem;
13. Engage in any *ex parte* communication with a judge.

Failure to comply with the Staff Guardian Ad Litem Code of Conduct may result in discipline or discharge.

I hereby acknowledge that any case file, including case-related documents, are the property of the Guardian ad Litem Program of the 17th Judicial Circuit or of the Dependency Court Permanency Pilot Project and must be returned within 72 hours, when either the case is closed or I have been discharged.

I have reviewed and understand my responsibilities as a Staff Guardian ad Litem for the Dependency Court Permanency Pilot Project. I received and reviewed a copy of the 17th Judicial Circuit Dependency Court Permanency Pilot Project Standards of Operation for Staff Guardians ad Litem.

Staff Guardian ad Litem Signature

Date

Print Name