



FLORIDA STATEWIDE GUARDIAN AD LITEM OFFICE

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For Immediate Release

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Florida's Guardian ad Litem Program Rejects Florida's Grade.

As a child advocate in Florida, I feel compelled to comment on the serious misrepresentation reported in *A Child's Right to Counsel, A National Report Card on Legal Representation for Abused and Neglected Children*, Second Edition, produced by the University of San Diego's Children's Advocacy Institute and First Star, a nonprofit group. Simply put, the criterion used to draw their conclusion was "Does every child, regardless of age or competency level, have a lawyer to do what the child tells him to do?" By using this criterion, the authors chose to ignore the protection Florida provides its children.

The sole mission of the Florida Guardian ad Litem Program is to protect and advocate for the best interests of our abused, abandoned, or neglected children. The Program fights to ensure every child is placed in a safe home, achieves permanency, and is provided necessary services. Every child represented by the Program has an attorney zealously representing the child's best interest. The Report fails to acknowledge this 'best interest' representation and it is simply not true to state children's interests are not legally represented. The Report inaccurately concludes the Guardian ad Litem Program does not have lawyers. Had the authors taken the time to contact the Program or visit one of the many dependency proceedings through-out the state, they would have realized the Program assigns an attorney to every child to which it is appointed.

The Report disregards the fact that the majority of children in Florida's dependency system are less than ten years of age and/or lack the capacity to tell their attorneys 'what

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to do.’ The Report also fails to acknowledge that when the child’s ability to make decisions in regard to representation is impaired, according to the Florida Bar Rules, an attorney may have to act as ‘de facto guardian’ for that child. In this event, the attorney’s representation would duplicate that of Florida’s Guardian ad Litem Program.

The Program recognizes that in some instances there is a need for competent children to have their own attorney to represent their wishes. When this occurs, it is the Program that requests that the court appoint an attorney for the child. The Program even provides funding to pay for these attorneys once the need has been established.

In my opinion, had the authors not taken such a narrow focus, I have no doubt Florida would have received a much higher grade.

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To learn more about the Florida Guardian ad Litem Program, call 1-866-341-1425 or visit our website at www.GuardianadLitem.org.

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