

CF OPERATING PROCEDURE
NO.60-52

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, April 10, 2018

Human Resources

EMPLOYEES VOLUNTEERING TO SERVE AS GUARDIAN AD LITEM

1. Purpose. This operating procedure establishes departmental policy governing employees who may volunteer to become a Guardian Ad Litem.

2. References.

- a. Sections 39.820 – .822, Florida Statutes (F.S.).
- b. Chapter 110, Part II, Career Service System, F.S.
- c. Chapter 112, Part III, Code of Ethics for Public Officers, F.S.
- d. CFOP 60-5. Chapter 5, Code of Ethics for Public Officers and Employees.
- f. CFOP 60-55, Chapter 1, Standards of Conduct and Standards for Disciplinary Action for Department Employees.
- e. Florida Rules of Juvenile Procedure, Rule 8.215, Guardian Ad Litem.

3. Definitions.

a. Guardian Ad Litem. As referred to in any civil or criminal proceeding, includes the following: a certified guardian ad litem program, a duly certified volunteer, a staff attorney, contract attorney, or certified pro bono attorney working on behalf of a guardian ad litem or the program; staff members of a [guardian ad litem] program office; a court-appointed attorney, or a responsible adult who is appointed by the court to represent the best interests of a child in a proceeding as provided for by law, including, but not limited to, Chapter 39, F.S., who is a party to any judicial proceeding as a representative of the child, and who serves until discharged by the court. [Subsection 39.820(1), F.S.]

b. Conflict of Interest. A situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

c. Representation. Actual physical attendance in a court or agency proceeding, the writing of letters or filing of documents, personally communicating with the officers of an agency, or making recommendations to the court on behalf of a child.

d. Agency. Any state, regional, county, local, or municipal government entity in the State of Florida, whether executive, judicial or legislative; any department, division, bureau, commission, authority, or political subdivision therein, or any public school, community college or state university.

4. Policy.

a. The Department recognizes the important work done by guardians ad litem on behalf of children in the dependency system, but believes due to the Department's duties as described in

This operating procedure supersedes CFOP 60-52 dated October 15, 2015.

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Chapter 39, Florida Statutes, certain employees' service as a Guardian ad Litem constitutes a real and apparent conflict of interest.

b. Employees who fill the following positions may not serve as Guardians ad Litem:

- (1) Children's Legal Services attorneys or managers who supervise these positions;
- (2) Child Protective Investigators; and,
- (3) Child Protective Investigator Supervisors or managers who supervise these

positions.

c. Employees filling other positions may volunteer to serve as a Guardian ad Litem, provided that they do not serve as a representative of the Department associated with the legal proceedings in which they will also serve as a Guardian ad litem and they request discharge as Guardian ad Litem from the proceedings if a conflict, real or apparent, should arise.

d. Employees with questions regarding this policy may contact the Department's Ethics Officer within the Office of the General Counsel.

e. Violations of this operating procedure or the provisions of Chapter 112, Part III, F.S. (Conflict of Interest) not otherwise covered in this operating procedure will be considered willful violations of rules, regulations or policies. Employees will be subject to disciplinary action as provided in Chapter 110, F.S. and/or CFOP 60-55, Chapter 1.

BY DIRECTION OF THE SECRETARY

(Signed original copy on file)

SHELBY JEFFERSON
Acting Human Resources Director

SUMMARY OF REVISED, DELETED OR ADDED MATERIAL

No substantive changes have been made.