

**MOTION FOR THE COURT TO APPOINT AN
ATTORNEY AD LITEM FOR THE CHILD, [INSERT FULL NAME],
PURSUANT TO SECTION 39.01305, FLORIDA STATUTES**

COMES NOW, the State of Florida, Guardian ad Litem Program, by and through the undersigned counsel, and hereby moves this Court for an Order appointing an Attorney ad Litem for the child, [Insert Full Name], pursuant to Section 39.01305, Florida Statutes, and in support thereof states the following:

1. That the child, [Insert Full Name], was adjudicated dependent on or about XXXXXXXX XX, 20XX.

OR

That the above-named child is believed to be a resident of the State of Florida and of an age subject to the juvenile jurisdiction of the Circuit Court and the rules covering its procedures.

2. That the child, [Insert Full Name], meets one or more of the necessary criteria, pursuant to Section 39.01305, Florida Statutes, to be eligible for an appointed attorney because:

___ the child resides in a skilled nursing facility or is being considered for placement in a skilled nursing home;

___ the child is prescribed a psychotropic medication but declines assent to the psychotropic medication;

___ the child has a diagnosis of a developmental disability as defined in Section 393.063, Florida Statutes;

___ the child is being placed in a residential treatment center or being considered for placement in a residential treatment center; or

___ the child is a victim of human trafficking as defined in Section 787.06(2)(d), Florida Statutes.

3. The State of Florida, Guardian ad Litem Program has informed the undersigned counsel that its recommendation for the attorney who is willing to represent the child without

additional compensation is [Insert Attorney's Name, Attorney at Law or Insert Legal Organization], and thus, respectfully requests that the Court appoint the aforesaid to the child, [Insert Full Name], pursuant to Section 39.01305, Florida Statutes.

4. [INSERT STIPULATIONS FROM OTHER PARTIES] That the Department, the mother's attorney, Ms. XXXXXX, and the father's attorney, Mr. XXXXXX, have no objections to this motion.

OR

3. The State of Florida, Guardian ad Litem Program has informed the undersigned counsel that it will not be able to recommend an attorney who is willing to represent the child without additional compensation within the 15-day period, and thus, respectfully requests that the Court appoint a compensated attorney to the child, [Insert Full Name], within the 15-day period, pursuant to Section 39.01305, Florida Statutes.
5. [INSERT STIPULATIONS FROM OTHER PARTIES] That the Department, the mother's attorney, Ms. XXXXXX, and the father's attorney, Mr. XXXXXX, have no objections to this motion.

WHEREFORE, the State of Florida, Guardian ad Litem Program prays that the Court dispose of this motion at the next available hearing, make the necessary findings, and enter a ruling granting the motion for the Court to appoint an Attorney ad Litem for the child, [Insert Full Name], pursuant to Section 39.01305, Florida Statutes, and such other and further relief as the Court may deem just and proper.

ORDER APPOINTING ATTORNEY AD LITEM FOR THE CHILD, [INSERT FULL NAME], PURSUANT TO SECTION 39.01305, FLORIDA STATUTES

THIS CAUSE came before the Court on XXXX XX, 201X, upon the Motion for the Court to Appoint an Attorney ad Litem for the child, [Insert Full Name], filed by the State of Florida, Guardian ad Litem Program, pursuant to Section 39.01305, Florida Statutes OR upon the Court's own motion at the [INSERT HEARING] hearing in this case under Chapter 39, Florida Statutes. The Court having reviewed the same and the child's court file, noting that there are no objections to the request, and being otherwise fully advised in the premises finds:

1. **Jurisdiction:** The above-named child was found within the jurisdiction of the Court and is of an age subject to the jurisdiction of the Court.

2. The Court finds that the child, [Insert Full Name], meets one or more of the necessary criteria, pursuant to Section 39.01305, Florida Statutes, to be eligible for an appointed attorney because:

- ___ the child resides in a skilled nursing facility or is being considered for placement in a skilled nursing home;
- ___ the child is prescribed a psychotropic medication but declines assent to the psychotropic medication;
- ___ the child has a diagnosis of a developmental disability as defined in Section 393.063, Florida Statutes;
- ___ the child is being placed in a residential treatment center or being considered for placement in a residential treatment center; or
- ___ the child is a victim of human trafficking as defined in Section 787.06(2)(d), Florida Statutes.

3. The Court has requested a recommendation from the State of Florida, Guardian ad Litem Program for an attorney who is willing to represent the child without additional compensation.

4. The Court has been informed that the State of Florida, Guardian ad Litem Program has recommended that [Insert Attorney's Name, Attorney at Law or Insert Legal Organization] be appointed as the attorney who is willing to represent the child without additional compensation, pursuant to Section 39.01305, Florida Statutes.

OR

The Court has been informed that the State of Florida, Guardian ad Litem Program will not be able to recommend an attorney who is willing to represent the child without additional compensation within the 15-day period, pursuant to Section 39.01305, Florida Statutes.

THEREFORE, based on the foregoing findings, it is hereby **ORDERED AND ADJUDGED** that:

1. **Disposition of Motion:** The Motion is hereby **GRANTED**. The Court accepts the recommendation of the State of Florida, Guardian ad Litem Program and hereby appoints [Insert Attorney's Name, Attorney at Law or Insert Legal Organization, Insert Attorney's Phone Number], located at [Insert Attorney's Address], to represent the child, [Insert Full Name], without additional compensation, as permitted by law.

OR

Disposition of Motion: The Motion is hereby **GRANTED**. [Insert Attorney's Name, Attorney at Law or Insert Legal Organization, Insert Attorney's Phone Number], located at [Insert Attorney's Address], is hereby appointed from the Children with Certain Special Needs Attorney Registry to represent the child, [Insert Full Name], and to be compensated for such representation, as permitted by law.

OR

Disposition of Motion: The Motion is hereby **GRANTED**.

_____, located at
_____, is hereby appointed to represent the child, [Insert Full Name], and to be compensated for such representation, as permitted by law.

2. This appointment shall continue in effect until the attorney is allowed to withdraw or is discharged by the Court or until the case is dismissed. The attorney shall provide the complete range of legal services, from the removal from home or from the initial appointment through all available appellate proceedings. With the permission of the Court, the attorney for the dependent child may arrange for supplemental or separate counsel to represent the child in appellate proceedings.

3. Except if the attorney has agreed to provide pro bono services, an appointed attorney or organization shall be adequately compensated and provided with access to funding for expert witnesses, depositions, and other costs of litigation. Payment to an attorney is subject to appropriations and subject to review by the Justice Administrative Commission for reasonableness. The Justice Administrative Commission shall contract with attorneys appointed by the Court. Attorney fees may not exceed \$1,000 per child per year.

4. The appointed attorney or organization is hereby entitled to receive copies of all documents concerning the child, [Insert Full Name], including educational, medical, and mental health records.

5. **Prior Orders:** All prior orders not inconsistent with the present Order shall remain in full force and effect.

6. **Retention of Jurisdiction:** This Court shall retain jurisdiction over this cause to enter any such further orders as may be deemed necessary for the best interest and welfare of the minor child(ren).

DONE AND ORDERED in _____, _____ County, Florida, this the XX^{XX} day of XXXXXXXX, 201X, and signed this _____ day of XXXXXXXX, 201X.

[Insert Name]
Circuit Judge