

WESTLAW

West's Florida Statutes Annotated  
Title VI. Civil Practice and Procedure (Chapters 45-89) (Refs & Annos)  
Chapter 61. Dissolution of Marriage; Support; Time-Sharing (Refs & Annos)

**61.403. Guardians ad litem; powers and authority**

FL ST § 61.403 West's Florida Statutes Annotated Title VI. Civil Practice and Procedure (Chapters 45-89) (Approx. 2 pages)

[ West's F.S.A. § **61.403**  
[ **61.403. Guardians ad litem; powers and authority**  
Currentness

**NOTES OF DECISIONS (17)**

- Advocacy
- Authority of court
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A guardian ad litem when appointed shall act as next friend of the child, investigator or evaluator, not as attorney or advocate but shall act in the child's best interest. A guardian ad litem shall have the powers, privileges, and responsibilities to the extent necessary to advance the best interest of the child, including, but not limited to, the following:

- (1) The guardian ad litem may investigate the allegations of the pleadings affecting the child, and, after proper notice to interested parties to the litigation and subject to conditions set by the court, may interview the child, witnesses, or any other person having information concerning the welfare of the child.
- (2) The guardian ad litem, through counsel, may petition the court for an order directed to a specified person, agency, or organization, including, but not limited to, hospitals, medical doctors, dentists, psychologists, and psychiatrists, which order directs that the guardian ad litem be allowed to inspect and copy any records and documents which relate to the minor child or to the child's parents or other custodial persons or household members with whom the child resides. Such order shall be obtained only after notice to all parties and hearing thereon.
- (3) The guardian ad litem, through counsel, may request the court to order expert examinations of the child, the child's parents, or other interested parties in the action, by medical doctors, dentists, and other providers of health care including psychiatrists, psychologists, or other mental health professionals.
- (4) The guardian ad litem may assist the court in obtaining impartial expert examinations.
- (5) The guardian ad litem may address the court and make written or oral recommendations to the court. The guardian ad litem shall file a written report which may include recommendations and a statement of the wishes of the child. The report must be filed and served on all parties at least 20 days prior to the hearing at which it will be presented unless the court waives such time limit. The guardian ad litem must be provided with copies of all pleadings, notices, and other documents filed in the action and is entitled to reasonable notice before any action affecting the child is taken by either of the parties, their counsel, or the court.
- (6) A guardian ad litem, acting through counsel, may file such pleadings, motions, or petitions for relief as the guardian ad litem deems appropriate or necessary in furtherance of the guardian's function. The guardian ad litem, through counsel, is entitled to be present and to participate in all depositions, hearings, and other proceedings in the action, and, through counsel, may compel the attendance of witnesses.
- (7) The duties and rights of nonattorney guardians do not include the right to practice law.
- (8) The guardian ad litem shall submit his or her recommendations to the court regarding any stipulation or agreement, whether incidental, temporary, or permanent, which affects the interest or welfare of the minor child, within 10 days after the date such stipulation or agreement is served upon the guardian ad litem.

**Credits**

Laws 1990, c. 90-226, § 3; Laws 1994, c. 94-204, § 5; Laws 1995, c. 95-147, § 1368.

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**Notes of Decisions containing your search terms (0)**

[View all 17](#)

**West's F. S. A. § 61.403, FL ST § 61.403**

Current through the 2018 Second Regular Session of the 25th Legislature.

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**End of**

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