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SPECIAL PROTECTION FOR SPECIAL VICTIMS - THE APPOINTMENT OF A GUARDIAN AD LITEM

The City of Jacksonville has an excellent guardian ad litem program that has, for many years, provided significant assistance to children who are victims of abuse, neglect, abandonment, and worse. The guardians themselves come from a wide variety of backgrounds and professions. They receive in depth training and are then assigned to the role of guardian for a particular child. The guardian works directly with the child and the family and, often reports to the judge concerning the child's welfare and the child's ability to participate in court procedures.

One of our most overlooked and underutilized laws concerns the appointment of a guardian to represent children who are victims or witnesses. F.S.914.17 mandates that a guardian ad litem **shall** be appointed by the court to represent a child in any criminal proceeding if the child is a victim of or a witness to child abuse or neglect or if the child is a victim of a sexual offense or a witness to a sexual offense committed against another minor. The language of the statute seems to indicate that it is required that the court appoint a guardian ad litem in these circumstances.

The law goes on to state that the court **may** appoint a guardian or other advocate in any other criminal proceeding in which the child is involved as either a victim or a witness. This part of the statute indicates that it is within the discretion of the judge to appoint a guardian for a child who is involved as a victim or witness in any criminal case.

The law requires that the guardian or other advocate for the child shall have full access to all evidence and reports introduced in the criminal case and that the guardian may even interview witnesses, make recommendations to the court, and have the right to appear on behalf of the child at all proceedings. The guardian may request examinations by medical doctors, psychiatrists, or psychologists.

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The law itself details several services that the guardian provides to the child. These include explaining, in language understandable to the child, the legal proceedings. It also includes acting as an advisor to the court concerning the child's ability to understand and cooperate with the court proceedings. Finally, the law requires the guardian to assist the child and his or her family with the emotional effects of the crime and the criminal proceedings in which the child is involved.

Advocates and crime victims should be aware of this statute and the potential assistance it provides any child who is a victim or a witness in any criminal proceeding. Interviews with experienced professionals throughout Florida indicate that the statute itself is seldom used because many victims, advocates, and professionals are simply unaware of its existence.