

## **GUARDIAN ad LITEM**

The judge who is assigned to your case has decided to appoint a “Guardian ad Litem” (GAL). You may have some questions about what this means. The purpose of this sheet is to help answer some of the questions people sometimes have about a “Guardian ad Litem”.

### **1. WHY HAS A GUARDIAN ad LITEM BEEN APPOINTED?**

Your case involves some very important issues regarding you and your child (or children). You likely have much information that you want the judge to hear, so the judge can make the best decision possible about your case. The other parent likely feels the same way. Each of you will have your own special viewpoint about the case. However, the judge will also want the viewpoint or perspective of your child, to make certain that this very important viewpoint is not missed or overlooked. It is a Guardian ad Litem’s job to make certain that important information regarding your child’s “best interest” is available to the judge.

### **2. WHAT WILL THE GUARDIAN ad LITEM DO?**

What the Guardian ad Litem will do in your case will depend on the special circumstances of your case, the needs of your child (or children), and how the Guardian ad Litem believes the Guardian ad Litem’s duties can best be fulfilled.

While each case is different, the Guardian ad Litem will want to meet with your child (or children), talk with the child if the child is old enough, and perhaps talk with other people involved in your case, such as persons providing care for the child, other relatives of the child, and other persons who know about the facts of your case.

After the Guardian ad Litem has finished investigating the facts about your case, the Guardian ad Litem will report to the court, either by preparing a written report, or by telling the judge in court the results of the investigation.

The Guardian ad Litem will attend court hearings when information about your child is presented to the judge. The Guardian ad Litem will also work to see if you and the other parent are able to reach an agreement about the case without contested courtroom hearings.

The Guardian ad Litem may also want to see medical, school, and other records about the child. In order to allow this to happen, the Guardian ad Litem may ask parents to sign a “waiver” or “release”, giving the Guardian ad Litem permission to talk to teachers, counselors, doctors, and other persons involved in the child’s care.

The Guardian ad Litem may see a need for services to be provided to the family, to deal with special issues that the family is facing. If this happens, the Guardian ad Litem may recommend that the child and family members participate in certain kinds of services.

The Guardian ad Litem may also ask the judge to require the parents to do certain kinds of things. If the Guardian ad Litem asks the court to order a parent to do something, it is important for the parent to comply with those orders. A parent can be punished for failing to comply with a lawful order a judge has entered.

If you have any questions about what is required of you, you should ask the judge (or your attorney, if you have an attorney representing you) to explain anything you do not understand.

### **3. IS THERE A COST FOR HAVING A GAL?**

In some special kinds of cases, the attorney that serves as the “Guardian ad Litem” is paid by the county, and there is no charge to the mother and father. Unless your case falls into one of these special circumstances, the fees of the Guardian ad Litem are paid by the mother and father. The Guardian ad Litem will keep track of the time that he or she devotes to services in your case. The Guardian ad Litem will report the services provided, and the amount of time it took, to the judge who is assigned to your case. The Guardian ad Litem will typically provide such an accounting at least every ninety days.

Based on this information from the GAL, the judge will decide what amount the Guardian ad Litem will be paid, and how much of that amount should be paid by the mother and how much by the father. The judge may decide that the parents should share the cost equally, or the judge may order the bill to be paid in a different manner, usually based on the income and resources that a parent has.

Often, the Guardian ad Litem will request a “retainer”. This is an advance amount that is paid to the Guardian ad Litem for the services to be performed later.

### **4. SHOULD I TELL MY CHILD INFORMATION I THINK THE GUARDIAN ad LITEM NEEDS TO KNOW?**

A parent cannot limit or restrict a Guardian ad Litem’s access to a child. When the Guardian ad Litem meets with the child, this is a time for the Guardian ad Litem to determine what facts and information are important to the child. As a result, it is better for a parent not to tell the child what the child should say to the Guardian ad Litem. Each parent will have an opportunity to talk with the Guardian ad Litem. It is during the parent’s meeting with the Guardian ad Litem that the parent should tell the GAL the information that the parent believes is important.

It is natural for a parent to want to know what a child tells a Guardian ad Litem, and to know what the GAL discusses with the child. However, a parent should not question the child about what was discussed during meetings between the Guardian ad Litem and the child.