

NOTICE TO LITIGANT GUARDIAN AD LITEM APPOINTED BY THE COURT

A “Guardian ad Litem” (GAL) is someone appointed by the court for the purpose of investigating the facts concerning what is in the best interests of the minor, alleged disabled adult or disabled adult that is the subject of the Guardianship Estate. The GAL is under the direction of the court and will investigate as directed by the Court. The GAL may be directed to investigate any matter properly before the Court. The GAL often investigates whether a Guardian should be appointed for a minor or alleged disabled adult, and who should be appointed Guardian. The GAL may be directed to investigate whether family members should be allowed visitation with a minor or disabled adult in an existing guardianship. The GAL may be directed to investigate whether a guardianship should be terminated because the disabled adult no longer needs a guardian or on the motion to terminate filed by a natural parent of a minor.

The role of the GAL is to be the eyes and ears of the Court. After an investigation, the GAL will advocate for the best interests of the minor or alleged disabled adult and no one else. The GAL is prohibited from giving legal advice to any parties or persons involved in the litigation. There is no attorney-client privilege between the GAL and any party he/she interviews in the course of their investigation.

Those who are able to serve as GAL are lawyers or people qualified by experience or training to work with or advocate for minors, the developmentally disabled, mentally ill, physically disabled, the elderly, or persons disabled because of a mental condition.

An important distinction to note is that a Guardian ad Litem is very different than a Guardian. A GAL conducts an investigation and makes a recommendation to the court and is sometimes called to testify in a guardianship hearing. A Guardian is the individual or entity appointed by the Court to act on behalf of and make decisions concerning the minor or disabled person’s finances and/or health care and well-being. The Guardian ad Litem is not authorized to make any of the decisions.

The Guardian ad Litem’s work includes, but is not limited to, court appearances, interviews with the minor or alleged disabled person and any other relevant parties, review of any relevant financial and medical records, telephone calls, preparation of court documents, and correspondence. The duration of the GAL’s service to the Court is determined by the Presiding Judge.

The Guardian ad Litem will be entitled to compensation for all time spent working on this matter. Often the GAL is paid from the assets of the minor or disabled adult. However, it is within the Judge’s discretion to direct any interested party or participant in the litigation to pay all or a portion of the Guardian ad Litem’s fees.