

## The Guardian ad Litem Role

*The Guardian ad Litem is an independent child advocate whose purpose is to ensure protection of the child's best interests and rights throughout the child's involvement in the court process.*

**A Guardian ad Litem serves as:**

A **GATHERER OF FACTS** needed to maintain the best interests. Facts may be collected through personal interviews, review of all pertinent documents, records, and other sources providing information about the child's past and current situation. The purpose of gathering information is to assess what services and plans are appropriate to meet the needs, not to determine the validity of the allegations that brought the child to court.

A **LINK** between the child and his or her attorney and other involved parties making certain the child understands his or her choices and the court process.

An **ADVOCATE** for the best interests of the child by assuring the judge is presented with all of the information he or she needs to further the best interests. The Guardian ad Litem is an independent spokesperson whose goal is to ensure the child's best interests receive priority over the best interests of other parties in the case.

A **FACILITATOR** working to ensure the court, the parties, and service providers work together to meet the child's best interests in a timely fashion.

A **MONITOR** of all activities ordered by the court to make certain court orders are followed and to bring any need for enforcement or change in court orders to the attention of the attorney. The goal of monitoring is to ensure treatment of the child is sensitive to his or her age and need, and progress towards permanency is reasonable. Monitoring continues until the child has a safe, permanent home and the case is closed.

## **Guardian ad Litem Duties and Responsibilities**

*General Description: The Guardian ad Litem acts to advocate for a child to make certain of continued prioritization of his or her best interests and rights throughout the involvement in the court process.*

### **Cases Involving Children In Need of Care and Supervision (CHINS)**

1. Consult with the GAL Supervisor and review documentation filed with the court while respecting the confidentiality of all information. Always ask the GAL Supervisor to check for a history of divorce, parentage, relief from abuse and/or criminal cases for all family and household members.
2. Understand the purpose of collecting and analyzing information is to determine what will be in a child's best interests. A GAL's attempt to investigate as to whether or not the alleged abuse and or neglect has occurred, presents increased risks to the child and is not permitted by law.
3. Identify the need for and obtain any hospital records, police reports, photos, protective services investigations, or other documentation and information required to understand the child's needs and best interests.
4. Establish and maintain a confidential file for each assigned child that contains all GAL notes and information gathered regarding the case. Multiple children from the same family may be included in one file. The GAL has the responsibility of maintaining confidentiality for all files in his or her possession. The file will contain information and reports in the format prescribed by the GAL Program. The file will also serve to demonstrate volunteer work performance with the GAL Supervisor for supervision and evaluation purposes. Volunteer responsibility for the file ends with the file's return to the GAL supervisor in its entirety within two weeks of the placement in a safe permanent home, the courts closure of the case, and/or the GAL resigning.
5. Schedule a meeting with the assigned Department for Children and Families (DCF) caseworker. Carefully review all related DCF records.
6. Meet with the child, regardless of age, to establish a relationship, to identify current needs, and to assure continued attention to the best interests. When there is no evaluation history and the facts support an expert assessment, report identified needs to the attorney.
7. Consult with the attorney for the child to share information that he or she may present to the judge through courtroom procedures. Reliable and factual information allows the judge to make well-informed decisions regarding the child, to determine the appropriate placement for the child, and to ensure implementation of an appropriate plan of services for the child and family.
8. Meet or talk with the child's attorney and assist counsel in making certain the child is aware of her or his options and understands the legal process taking into consideration the developmental readiness of the child to comprehend. Report to the attorney any disagreements with the child over what is in his or her best interests. Make sure the attorney is



aware of any accumulated information that counsel may need for adequate representation of the child. Inform the attorney of any concerns arising from the information gathered.

9. If the GAL is not satisfied with the representation of the child by the attorney, including the introduction of evidence, the guardian shall advise the court on the record orally or in writing.
10. Always meet with the parents, custodian, or legal guardian. If the parents have counsel, inform the attorney of the meeting. If there is a parent, legal guardian, or custodian not actively involved in the court proceedings, attempt to locate that person and arrange an interview.
11. Consider meeting and interviewing teachers, childcare providers, baby sitters, foster parents, therapists, or any other persons who have had substantial contact with the child.
12. Work with the attorney for the child and other parties in exploring agreement on a course of action that is in the best interests.
13. Based on the facts collected, at the disposition hearing be prepared to present an assessment of what course of action will be in the best interests. Discuss your assessment with the DCF social worker prior to his or her filing the disposition report.
14. Attend all court hearings, case plan reviews, administrative reviews, and other meetings relating to the child such as Treatment Team meetings, school meetings, or DCF meetings regarding placement and permanency planning. Review plans for permanency to ensure they are in the best interests of the child and are consistent with federal Adoption and Safe Families Act guidelines.
15. Unless an exception form is approved by your program supervisor, visit with the child a minimum of once a month until the child has a safe permanent home. Exception forms are available in your forms folder or you may obtain one from your program supervisor.
16. Inform the child about the outcome of all court hearings and keep the child updated about the progress of the case as is developmentally appropriate.
17. Contact the attorney for the child with any information indicating departure from court orders that could require early court review.
18. Review the permanency plan to ensure that it is in the best interests of the child.
19. Inform the GAL Supervisor of any conflict that would prevent appearance at a hearing with enough advance notice for assignment of another Guardian ad Litem.
20. Make at least monthly contact with court GAL Supervisor for support, guidance, and information. Attend all supervision sessions as requested by your supervisor.
21. Keep accurate records of time, activity, and other case information required by the Program and submit records as requested.
22. At the conclusion of all termination of parental rights proceedings resulting in a termination of parental rights, review plans for permanent placement including information about adoption recruitment efforts and potential adoptive parents. Continue to consult with DCF to ensure that appropriate placement occurs within a reasonable time. Request the attorney advocate for permanent placement. When parental rights continue, resume participation in the process as the Guardian ad Litem until the child is placed in a safe permanent home.

## Duties and Responsibilities in Other Dockets

### Checklist for GALs in Delinquency Cases

1. Prior to temporary detention hearing:
  - a. Meet with the child and his or her attorney and any other available parties to the case.
  - b. Be prepared to make the best recommendation on the basis of the information that you have at the hearing on the need for detention or other placement on the best interests of the child.
2. Prior to pre-trial hearing:
  - a. Understand that the purpose of collecting and analyzing information is to determine what will be in a child's best interests but only after an adjudication of delinquency at a merits hearing. A GAL's investigation is not to determine if the child committed the delinquent act.
  - b. Determine whether or not the child should be placed or remain in DCF custody
  - c. Consult with family and DCF to ensure that an appropriate plan of services has been presented for the child and family.
3. In non-emergency situations:
  - a. Consult with the GAL supervisor
  - b. Review documentation filed with the court while respecting the confidentiality of all information.
  - c. Always ask the GAL Supervisor to check for a history of divorce, parentage, relief from abuse and/or criminal cases for all family and household members.
4. Throughout the case:
  - a. Establish and maintain a confidential file for each assigned child that contains all GAL notes and information gathered regarding the case. Multiple children from the same family may be included in one file.
    - Remember that the GAL has the responsibility of maintaining confidentiality for all files in his or her possession. The file will contain information and reports in the format prescribed by the GAL Program.
    - The file may also serve to demonstrate volunteer work performance to the GAL supervisor for supervision and evaluation purposes.
    - Volunteer responsibility for the file ends with the file's return to the GAL supervisor in its entirety within two weeks of the child's placement in a safe permanent home, the court's closure of the case, and/or the GAL resigning.
  - b. Meet with the child regularly
    - to establish a relationship,
    - to identify current and long-term needs, and
    - to assure continued attention to the child's best interests.



- c. Meet or talk with the child's legal attorney and assist counsel to:
    - Make certain the child is aware of his or her options and the legal process taking into consideration the developmental readiness of the child to comprehend.
    - Report to the child's attorney any disagreements with the child over what is in his or her best interests.
    - Make sure the attorney is aware of any accumulated information that counsel may need for adequate representation of the child.
    - Inform the child's attorney of any concerns based on the information gathered.
    - Make sure the attorney has all necessary information to present to the court at all hearings ***except merits hearings*** to allow the judge to make well-informed decisions regarding the child.
  - d. When there is no evaluation history and the facts support an expert assessment, report identified needs to the child's attorney.
  - e. Always meet with the child's parents, custodian, or legal guardian.
    - Inform the attorney for each represented party of the plan for meeting.
    - If there is a parent, legal guardian, or custodian not actively involved in the court proceedings, attempt to locate that person and arrange an interview.
    - Consider meeting with teachers, childcare providers, baby sitters, foster parents, therapists, or any other persons who have had substantial contact with the child.
  - f. Make monthly contact with court GAL Supervisor for support, guidance, and information. Attend all supervision sessions.
5. Work with the attorney for the child and other parties in exploring agreement on a course of action that will be in the child's best interests.
    - a. Discuss your assessment with the DCF social worker prior to the filing of the disposition report.
    - b. Be prepared to present your recommendations at the disposition hearing.
    - c. Inform the child's attorney if you are basing any part of your recommendation on information not presented as evidence in court proceedings.
  6. After disposition:
    - a. Attend all subsequent court hearings, DCF case plan reviews, and other meetings relating to the child such as
    - b. treatment team meetings,
    - c. school meetings.
    - d. Review plans for permanency to ensure they are in the best interests of the child and are consistent with federal Adoption and Safe Families Act guidelines.
    - e. Continue to visit with the child a minimum of once a month until the child has a safe permanent home.
    - f. Continue to keep the child updated about other aspects of the case and inform the child of upcoming court hearings.
    - g. Contact the attorney for the child with any information indicating departure from court orders that could require early court review.

## **On-going Guardian ad Litem Responsibilities** **for all Case Assignments**

1. All communications with the court shall be according to court rules. No ex-parte communication with the judge is permitted. Check with the GAL Supervisor if you have questions about the application of the rules.
2. The GAL has the responsibility to decline accepting new cases when additional responsibilities will not allow sufficient time for quality advocacy in current assignments.
3. Maintain a confidential case file on each case assigned. The file will contain:
  - a. Any photocopies, documents from court case files, and documents from other agencies
  - b. or service providers.
  - c. Case notes formatted as intervention plans, interview forms, report outlines, activity
  - d. logs, and any additional forms required by the GAL Program.
4. Submit required GAL case activity reports and other reports or forms on each case as directed by the GAL Supervisor.
5. Make the case file available for supervision and or evaluation with the GAL Supervisor as requested. Return the file, including handwritten notes, to the family court within two weeks of the date the appointment ended due to the case closure or GAL resignation.
6. Attend any GAL meetings or training sessions required by the court.
7. Meet monthly with the court GAL supervisor for supervisory or evaluation sessions.
8. At least once per month, have contact with the assigned child or file a request for an exception using the exception form. Continue meeting with the child at least once per month until the child is in a safe, permanent home and the case is closed.
9. Attend all administrative reviews, Treatment Team meetings, school meetings, or other meetings regarding children in the custody of the State.
10. Attend all scheduled court hearings. Notify the court immediately of any needs for a continuance due to personal, unavoidable, schedule conflicts. Inform your supervisor as soon as you are aware of any plans that will make you inaccessible for extended periods.
11. Attend local GAL meetings for continuing education and mutual support.
12. Complete an additional 12 hours of training specific to GAL role and function for each year of active service starting with the second year of service.
13. Report any incident of child abuse or neglect to the GAL Supervisor and appropriate authorities.

## Guardian ad Litem Code of Ethics

**Propriety:** The Guardian ad Litem shall maintain standards of personal behavior that do not jeopardize the safety of the child, the integrity of the program, or his or her objectivity. He or she shall not engage in activities that are possible to result in a conflict of interest, or expose the program or the Guardian ad Litem to criminal or civil liability.

**Conflict of Interest:** A conflict of interests exists when the Guardian ad Litem has personal interests, knowledge, and or feelings about one or more parties in an assigned case that could interfere with his or her objectivity. The Guardian ad Litem shall not accept a case in which the potential for a conflict of interest exists, and shall disclose any potential conflicts to the parties and the court.

**Competence:** The Guardian ad Litem shall take responsibility for identifying what he or she needs to know and how to apply the knowledge required for the performance of his or her role. The Guardian ad Litem shall continue pre- and in-service training to attain and maintain proficiency in the performance of all responsibilities.

**Integrity:** The Guardian ad Litem shall possess and steadfastly adhere to high moral principles and professional standards.

**Program integrity:** The Guardian ad Litem shall not represent his or her personal views or values as those of the Program, nor should the Guardian ad Litem impose his or her personal views or values on others in any capacity as a Guardian ad Litem.

**Confidentiality:** The Guardian ad Litem shall not disclose any information learned in a case to family, friends, or others not directly involved in the case. The Guardian ad Litem shall maintain confidentiality and respect the privacy of others in all matters relating to case assignments.

**Respect:** The Guardian ad Litem shall treat all parties to an assigned case with fairness, respect, and courtesy.

**Use of authority:** The Guardian ad Litem shall make appropriate use of authority, limiting his or her role to fulfilling their responsibilities in assigned cases.



## **Prohibited Activities**

GALs must always consider their defined role as an advocate if asked to perform services for children and families or when engaging in certain activities. The following activities are outside the role of the Guardian ad Litem and are therefore prohibited:

1. Guardians ad Litem are not permitted to take assigned children to the Guardian ad Litem's home.
2. Guardians ad Litem are not permitted to give legal advice or therapeutic counseling to assigned children and/or their families, or any other party or person connected with the assigned case.
3. Guardians ad Litem are not permitted to make any placement arrangements for the assigned child.
4. Guardians ad Litem are not permitted to give money or expensive gifts to the assigned child or family.
5. Guardians ad Litem are not permitted to transport assigned children, family members, or parties.
6. Technology: Guardians ad Litem are cautioned in their use of new technologies (such as email, Facebook, texting, You Tube, Skype, etc.). The Guardian ad Litem Code of Ethics (see above), including but not limited to confidentiality, conflict of interest and integrity applies to a volunteer's use of technology.
7. Communications with Public Officials: Guardians ad Litem should refrain from communicating with public officials on matters concerning their role as a GAL in a specific case. This policy is not intended to interfere with a GAL speaking as a private citizen on a matter independent of their GAL role.

## **Resignation as a Guardian ad Litem**

1. Verbally indicate plans to resign to your supervisor as soon as possible. This is necessary to allow for planning that will ensure continued advocacy for assigned children.
2. Provide written notice of resignation to the GAL Program office and to your local supervisor at least two weeks in advance of any scheduled meetings or hearings regarding an assigned child.
3. Meet with each assigned child or adult. When in doubt, discuss approaches with the GAL supervisor. Be prepared to explain your reasons for leaving and your possible replacement considering the developmental readiness to know.
4. Turn in all case files to your supervisor within two weeks of the date of your resignation.