

What is a Guardian Ad Litem?

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In a difficult custody dispute, with the parents on opposing sides in the controversy, both adults are likely to be represented by their divorce lawyers. You might assume that in such cases the only attorneys necessary are for the two parents who are fighting for custody. However, children actually sometimes need their own lawyers in those situations. That's where a Guardian Ad Litem comes in.

A Guardian ad Litem (GAL) is a court-appointed lawyer who represents the child in that kind of case. The GAL is responsible for meeting with the child and both parents (the opposing parties in the legal case), to gain insights that can help the court in determining what is in the best interest of the child. In cases where a vulnerable adult's interests are at risk in court with attorneys representing the interests of others, a Guardian Ad Litem for adults may be appointed.

Why is a Guardian Ad Litem Appointed By the Court?

So, what is the purpose of a Guardian Ad Litem? Under Utah law, a judge is required to appoint a Guardian Ad Litem in juvenile court cases that involve neglect or abuse. The court can legally appoint a GAL without the parents' consent. Guardian Ad Litem questions for child clients are centered on efforts to draw out responses that can yield deeper insights into the child's home experience and his or her best interests in decisions potentially to be made by the court.

How Much Does it Cost for a Guardian Ad Litem?

In Utah divorce and child custody cases, the court will decide how the GAL fees must be paid. Typically, the fees are divided between the two opposing parties in the case. Sometimes attorneys charge discounted rates for work as GALs, but the cost is likely to range from about \$150 to as much as \$300 per hour.

What is a Guardian Ad Litem's Responsibility?

The GAL will conduct interviews with the child, the parents, and other witnesses as necessary. He or she will gather and review medical, school, and other documentation. The GAL will then provide the court with an assessment and offer legal recommendations during the process, in the representation of the best interests of the child.

What Does a Guardian Ad Litem Do?

A Guardian Ad Litem has a large set of obligations. These include meeting personally with the child for an interview to understand the child's goals, concerns, issues, and other indicators of his or her domestic experience relevant to the legal matter. The GAL must also examine necessary school, medical, and psychological records, interview witnesses, and attend all hearings to protect the child's interests.

Things Parents Should Not Say to A Guardian Ad Litem

When speaking with your child's GAL, be respectful, courteous, and positive. Cooperate with all requests for documentation, unless there is some issue you truly need to discuss with your attorney. The more cooperative you are, the better the GAL's report will reflect your contribution to his/her efforts on behalf of your child's interests. It's also important to know what not to say to a Guardian Ad Litem.

Avoid making any negative comments about the other parent, because those will only reflect poorly on you. Your lawyer will handle making the court aware of negative information about the other parent. Just focus your responses to inquiries from the GAL on positive information, such as how you can provide a healthy, secure, stable, and happy environment for your child.

If You Need a Guardian Ad Litem, Contact Wall & Wall

We have been helping families through the Utah court system for decades. If you are engaged in a difficult custody case and you believe that a Guardian Ad Litem is necessary, we can help. We can provide you with the legal guidance you need and recommendations for handling the complexities of your custody case.

For help with Guardian Ad Litem requirements, call Wall & Wall Attorneys at Law at (801) 441-2388, or contact us here online to discuss your situation and the best approach.
