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WHAT IS A GUARDIAN AD LITEM?

A *Guardian ad Litem* is an attorney appointed by the court as a neutral third party to conduct an investigation and make a recommendation regarding the issues of custody, visitation and transportation issues associated with visitation. The Guardian ad Litem (GAL) does not represent the child, but the best interest of the child.

The GAL is appointed by the court, not retained by one of the parties, although one or both may request the appointment of a GAL. The GAL does not work for either of the parties. Unlike the attorney-client privilege you share with your attorney, anything you tell the GAL or any information obtained by the GAL may be conveyed to the court.

The GAL will speak with both parents and the child(ren) if they are of the age and maturity to do so. The GAL may also speak with other relatives, boyfriends/girlfriends of the parties, teachers, care givers, counselors, etc. at his discretion.

The parties are encouraged to provide all documents and information upon request in order to assist the GAL and to expedite the investigation. Cooperation with the GAL is essential in order to provide balance to the investigation.

It is not the initial responsibility of the GAL to resolve disputes between the parties or to enforce visitation orders. Those matters should first be handled by the parties or through their attorneys, and only if they are thereafter unable to resolve the dispute, will the GAL get involved.

At the end of his investigation, the GAL generates a written report for the court. In addition, the GAL will appear at hearings and trial on matters regarding custody, visitation, and transportation.

The GAL will submit a statement of fees incurred to the court. Division of GAL fees is at the discretion of the judge, unless the parties come to an agreement. It is the responsibility of the parties to pay GAL fees as ordered. If a party fails to pay the GAL fees as ordered, the GAL may charge interest and seek collection through wage garnishment or other legal means of collection. GAL fees are not dischargeable in bankruptcy, and may continue to be collected.