

The Foster & Adoptive Parent Advocacy Center (FAPAC)
Foster Parent Fact Sheet
The Role of the Guardian Ad Litem (GAL)

(This information sheet was prepared for FAPAC by Wilma Brier, Esq., Counsel for Child Abuse and Neglect (CCAN) Branch Chief, based on the Superior Court of the District of Columbia Child Abuse and Neglect Attorney Practice Standards promulgated on February 28, 2003).

What is a *Guardian Ad Litem* for the Child (GAL)?

A guardian *ad litem* is an attorney appointed by the Court to represent the child's best interests in abuse and neglect proceedings. Special court rules describe the functions and duties of the Guardian *ad litem*. These include:

- an investigator whose task it is to discover all the relevant facts in order to best represent the child;
- counsel responsible for representing the "best interests of the child" which may or may not be the same as the child's wants or wishes, and for ensuring that those interests are fully protected;
- an advocate whose task is to ensure all the relevant facts and options are presented to the court at all hearings.

The court rules also state that a GAL should always be mindful of the child's safety and well being, should ensure that these issues are raised at every court hearing, and should take all steps to promote speedy permanence for the child. The rules also state that regardless of the child's age, the GAL should observe and/or talk with the child regularly, but at least every three months unless the court directs otherwise.

What Should the Foster Parent and the GAL Expect from Each Other?

- The foster parent can expect the GAL to visit the child at least every three months as required by court rules. The GAL is not limited to visits every three months, and may want to see the child more frequently. The GAL may also want to keep in touch with the child by phone, where age appropriate.
- Some of the GAL's visits should take place in the foster home. The GAL will want to speak with the child privately, either in the home or by going out with the child. The GAL should give the foster parent reasonable notice before a visit and should work around the foster parents' schedule whenever possible. The GAL may also need to make unannounced visits, either because of the court's requirements or the GAL's independent professional judgment of what is required. The GAL may also visit the child at school, an after school program, a treatment facility or elsewhere, depending on the child's situation.
- The GAL should keep in touch with the foster parents by telephone to talk about the child's activities, needs, and general well being. This may include a discussion of long-term permanency planning for the child. Although the social worker may be the primary contact for the foster parents, the foster parents should also contact the GAL regarding information needed or concerns about the child. The GAL cannot do his/her job without talking with the child's caregivers. Information that would be helpful to give to the GAL includes:

- How is your child's emotional or mental health?
 - Does your child have medical needs?
 - How is your child doing in home and at school?
 - What evaluations have been conducted?
 - Are services being provided? Are they helping?
 - What other services does your child need?
 - How are birth family visits going?
- Foster parents should not hesitate to call the GAL for help in obtaining services or resolving problems concerning the child. However, foster parents should be aware that the GAL is an independent advocate for the child. The GAL and foster parents may not always agree on what is best for the child, but a disagreement should not interfere with the GAL and foster parents' respecting each other's roles in assisting the children. A good working relationship between the GAL and the foster parent is in the child's best interest.
 - As independent investigators and advocates for the child, GALs may need to tell the Court about disagreements among the parties. GALs must also inform the Court of the child's wishes and views, even when the child's view differs from their own view or the view of the foster parent or social worker. By law, the foster parent should receive notice from the court of any scheduled hearing and should be given the opportunity to be heard.
 - Foster parents should be aware that the GAL is an independent advocate for the child who cannot provide legal advice to the foster parents or otherwise represent them.

How do I find out who the GAL is?

You can ask the social worker for the GAL's name and contact information. You can also call the D.C. Superior Court's Office of Counsel for Child Abuse and Neglect, (202) 879-1406.

What can I do if I think that the GAL is not fulfilling his/her duties or is acting unreasonably?

You can call the FAPAC office, (202) 269-9441 and we will refer you to the appropriate place to register your concerns.

If you have any questions please contact us at: Foster & Adoptive Parent Advocacy Center (FAPAC) (202) 269-9441.

Disclaimer:

This fact sheet is for informational purposes only and is not intended as and does not constitute legal advice.