

Getting the Most From Your GAL: Working with a Guardian Ad Litem

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In custody cases that are especially combative, it is common for a judge to appoint a Guardian Ad Litem (GAL). The role of a Guardian Ad Litem is to assist the court in its determination of custody, visitation, and other issues related to the well-being of a child. The GAL will conduct a thorough investigation of all relevant parts of a child's life and make a recommendation to the judge regarding custody. While the final decision regarding custody rests solely with the judge, almost all judges take the recommendations of a GAL very seriously.

Because the recommendation to the judge carries so much weight, it is very important to work with the GAL if one is appointed in your custody case. Below are a few tips on how to work with a GAL in a positive and productive manner. Please note that these tips are the opinion of the author based on his experience. These are not ironclad rules and different attorneys may have different opinions on the subject.

The GAL is not the enemy. It is very easy to begin with a negative opinion of the GAL. After all, he or she is a stranger brought in to examine and evaluate you as a person and as a parent, and in the end to make a judgment about you. However, this is not the whole picture. The GAL's goal is not to embarrass you or make you look bad and, unlike the opposing attorney, his or her goal is not to win the case or make you lose the case. Every question the GAL asks and every activity he or she undertakes is focused on a single goal: to help the judge determine what is in the best interest of the child. A good GAL will have a neutral approach to the case. He or she does not have a personal or financial interest in who gets custody. A good GAL wants to do a thorough job, gain a strong understanding of the big picture surrounding your child, and make a fair recommendation to the judge.

Treat the GAL as an asset. With the above paragraph in mind, the GAL can be a great asset to you and your case. The GAL has access to things you, your attorney, and even the judge does not have access to. He or she has almost total freedom to interact with you, the other parent, the child, both attorneys, neighbors, teachers, counselors, and much more. Because the rules of evidence limit admissibility of many things in court, the judge may not be able to hear from some witnesses, or read some documents. The GAL is not so restricted in his or her investigation or in his or her report. Of all of the professionals working in a custody case, the GAL is the most empowered to seek out the truth and figure out what is fair. Assuming that you too want the judge to see the truth and make a fair ruling, the GAL becomes one of your best assets to ensure that the judge gets an accurate view of you, the other parent, your child, and your case in general.

Be a resource for the GAL. It is very important that you are open and forthright with the GAL. There is nothing to gain by obstructing the GAL through non-cooperation. The GAL will conduct and complete his or her investigation with or without your input and you want him or her to have

your input - to know your side of what is going on. The best way to make sure you are heard is to not only cooperate, but cooperate fully. Cooperate to such an extent that you become the regular resource of information for the GAL. You want the GAL to know that he or she can count on you to provide reliable information when asked. It is even better if the GAL knows you not only provide information but also back up your information with documentation or other proof. This builds a degree of trust between you and the GAL and will give the GAL confidence to go to you if problems come up during the case.

Be Honest. Speaking of trust, there is no quicker way to lose the trust of a GAL than to lie or mislead. In custody cases it is very rare that one side is 100% in the right without any blemishes and the other side is 100% in the wrong. If something happened that does not paint you in the best light it is a natural reaction to wish to be less than forthright about the incident. However, lying about the incident will not help in the long run. Most GALs are thorough. If there are witnesses or documents or other proof that contradicts you, they will probably find it. Also, remember that the GAL works with both parents. The other parent or attorney will happily point out any lie or fabrication that they can catch you in. If the GAL loses trust on you, he or she will put very little weight in future responses from you. He or she may even stop coming to you for information entirely. Additionally, the GAL may make a note in his or her report about the lie, and remember this report goes directly to the judge.

If you disagree, do so respectfully. A lot of this article focuses on the benefits of the GAL and his or her good qualities. However, it is important to remember that the GAL is human and as such can get things wrong. The GAL is not God. Nor is he or she the end all and be all of issues regarding children. When a GAL gets something wrong, it is ok to correct him or her. In fact, it is very beneficial to do so. After all, you do not want the GAL to base his or her final report on incorrect information. It is also ok to have a different opinion than the GAL. Part of the GAL's job is to draw conclusions and make recommendations. If you disagree, make it known. However, whether you are correcting a factual error of the GAL or disagreeing with his or her conclusion, please do so respectfully. While a good GAL will never let personal feelings about a parent get in the way of making the right choice, the GAL is human. Tone, inflection, attitude, and even word choice can greatly affect an impression of you personally. Disagreeing respectfully also shows the GAL that you have the tools to express yourself and resolve conflicts in a healthy manner.

Work with your attorney. Your attorney probably has experience with GALs. Your attorney may have even worked with your particular GAL before. It can be quite beneficial to rely on this experience and take your attorney's advice seriously. While most GALs who work in family law are outstanding individuals, not all GALs are equal in ability. Your attorney will have the experience to recognize whether you were appointed great GAL, or a GAL that for one reason or another is lacking. Your attorney will also know how to approach each situation in a way that is most beneficial for your case.

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