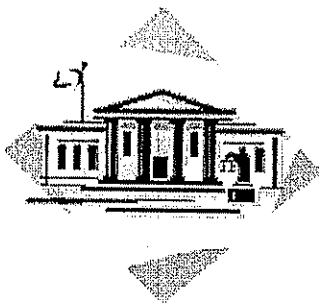


## RESOURCES FOR WORKING WITH GUARDIANS AD LITEM

To locate the name of the guardian *ad litem* in a Child in Need of Care case, contact the local department of Social and Rehabilitation Services (SRS). Have the name of the child, the name of the child's parents and/or the court case number ready to provide to SRS. Or, you may also contact the courthouse in the county in which the child was adjudicated as a Child In Need of Care. The Clerk of the Court or a court services worker can provide you with the name of the child's GAL.

If you have an ethical complaint regarding a guardian *ad litem* in a case for which you are a party, you may contact the Guardian Ad Litem Disciplinary Association to file your complaint. They can be contacted in writing at the Disciplinary Administration Office, 701 S.W. Jackson, Topeka, KS 66603. Upon receiving a complaint the Guardian Ad Litem Disciplinary Association shall conduct an investigation of the complaint. The GAL Disciplinary Association is part of the Supreme Court. They do not become a party to the CINC case and they do not appoint or assign guardians *ad litem*.



### *Childrens Advocacy Resource Center*

*"Providing Legal and Support Services for  
Kansas Children"*

*The Children's Advocacy Resource Center  
brings together the children's advocacy  
projects of Kansas Legal Services.*

### **Foster Care Questions?**

**1-877-298-2674**

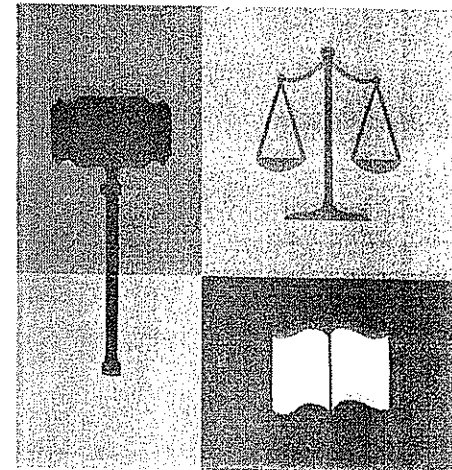
**Call the Foster Care Helpline  
for free  
legal advice, or any  
foster care questions  
you may have.**

### **Kansas Legal Services**

Marilyn Harp, Executive Director  
712 S. Kansas Avenue  
Suite 200  
Topeka, KS 66603  
(785) 233-2068  
Fax (785) 354-8311

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## III. GUARDIAN AD LITEM: RESPONSIBILTIES IN THE CHILD IN NEED OF CARE SYSTEM



Prepared by the Children's  
Advocacy Resource Center  
as the third in a series on foster care rights  
and resources

## RESPONSIBILITIES OF THE GUARDIAN AD LITEM

Guardian *ad litem* (sometimes referred to as "GAL") is the title given to the attorney who is appointed by the judge to represent the best interest of the child(ren) in the Child In Need of Care (CINC) case. The term "ad litem" is Latin for "this litigation" or "for this case." Thus, a guardian *ad litem* helps to represent a child for only the duration of the court proceedings and does not serve as a legal guardian.

### ADMINISTRATIVE ORDER NO. 100

The Supreme Court Rules contain this order, titled "Re: Guidelines for Guardians *ad litem*." As stated in the order, these guidelines are recommended for the representation of children by guardians *ad litem* in cases pursuant to the Kansas Code for the Care of Children, K.S.A. 38-1501 *et seq.*; the Parentage Act, K.S.A. 38-1110 *et seq.*; and Domestic Relations, K.S.A. 60-1601 *et seq.* unless departure is authorized by the presiding judge or designee for good cause shown.

The Supreme Court guidelines for guardians *ad litem* state that a guardian *ad litem* should:

(1) Conduct an independent investigation consisting of the review of all relevant documents and records including those of social service agencies, police, courts, physicians (including mental health), and schools. Interviews either in person or by telephone with the child, parents, social workers, relatives, school personnel, court appointed special advocates (CASAs), caregivers, and others having knowledge of the facts are

recommended. Continuing investigation and regular contact with the child are mandatory.

(2) Determine the best interests of the child by considering such factors as the child's age and sense of time; level of maturity; culture and ethnicity; degree of attachment to family members, including siblings; as well as continuity, consistency, permanency and the child's sense of belonging and identity.

(3) File appropriate pleadings on behalf of the child. Appear for and represent the best interests of the child at all hearings. All relevant facts should be presented to the court, including the child's position. If the child disagrees with the guardian *ad litem*'s recommendations, the guardian *ad litem* must inform the court of the disagreement. The court may, on good cause shown, appoint an attorney to represent the child's expressed wishes. If the court appoints an attorney, that individual serves in addition to the guardian *ad litem*. The attorney must allow the child and the guardian *ad litem* to communicate with one another but may require such communications to occur in the attorney's presence.

(4) Not submit reports and recommendations to the court, act as a witness or testify in any proceeding in which he or she serves as guardian *ad litem*, except as permitted by the exceptions to Kansas Rules of Professional Conduct 3.7(a). The guardian *ad litem* should submit the results of his or her investigation and the conclusion regarding the child's best interest in the same manner as any other lawyer presents a case on behalf of a client: by calling, examining and cross-examining witnesses, submitting and responding to other evidence, and making oral and written arguments based on the evidence that has been or is expected to be presented.

(5) Explain the court proceedings and the role of the guardian *ad litem* in terms the child can understand.

(6) Make recommendations for specific appropriate services for the child and the child's family.

(7) Monitor implementation of service plans and court orders.

(8) Participate in prerequisite education prior to appointment as a guardian *ad litem* which consists of not less than six (6) hours including one (1) hour of professional responsibility, and participate in annual continuing education consisting of not less than six (6) hours.

Areas of education should include, but are not limited to, dynamics of abuse and neglect; roles and responsibilities; cultural awareness; communication and communication with children skills and information gathering and investigatory techniques; advocacy skills; child development; mental health issues; permanency and the law; community resources; professional responsibility; special education law; substance abuse issues; school law; and the code for the care of children. Such hours of continuing education, if approved by the Continuing Legal Education Commission, shall apply to the continuing legal education requirements of Supreme Court Rule 802 and the minimum total hours annually required by that rule are not modified by these guidelines. The appointing judge or designee shall have the authority to approve the prerequisite education and continuing education not otherwise approved by the Continuing Legal Education Commission. Guardians *ad litem* shall be responsible for maintaining a record of their own participation in prerequisite and continuing education programs.