

What Happens When a Guardian Ad Litem is Appointed for Custody Cases?

AUTHOR: ERIN RATHJEN-DECKER

A guardian ad litem (“GAL”) is an attorney appointed by the court to represent the best interests of minor children in a variety of cases. Appointments are regularly made in juvenile court matters, but may also occur in a dissolution of marriage or paternity case. Under Missouri family law, in any Missouri dissolution of marriage or modification case where custody is a contested issue, the court *may* appoint a GAL to represent the children. The court *shall* appoint a GAL in any proceeding where abuse or neglect is alleged.

The appointment order requires the GAL to faithfully discharge his/her duties pursuant to Missouri law which includes conducting all necessary interviews with individuals having contact with or knowledge of the children. If appropriate, the GAL may also interview the children- the decision about whether to interview the children depends on the ages of the children and their developmental capabilities. If a GAL decides to meet with the children, that meeting may occur at the office of the GAL, the home of the parties, or even at school. A GAL may meet with the children several times during a case, or on a limited basis, depending on the issues in controversy.

The GAL may also talk to doctors, therapists, or family members who have information that may assist the GAL in their duties. During the pendency of the matter, the GAL will attend court appearances and provide information as requested by the court. If a resolution about custody is not reached by the parties, the GAL will also attend any hearing or trial on the matter and provide the court with their recommendation for custody after the evidence.

The role of a GAL is an important one for families and the family court. For questions about this or other family law issues, please contact one of the family law attorneys at Sandberg Phoenix.