

# Guardian Ad Litem or Attorney for Minor Child in Family Matters



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## The Roles and Responsibilities of a Guardian Ad Litem (GAL) in Family Matters

### What is a Guardian Ad Litem (GAL)?

A guardian ad litem, often referred to as a GAL, is an individual the court appoints, either upon motion of a party or when the court determines a GAL is necessary. The court will consider the appointment of a GAL if the parties are unable to resolve a parenting or child related dispute. In such event, the court appoints a GAL to ensure the child's best interests are represented during the course of the parties' dispute. The GAL's role is different from that of an Attorney for a Minor Child (AMC). The GAL represents the child's best interests while the AMC represents the child's legal interests and supports the child's best interests.

### Who can be a GAL?

Only an individual who has completed the comprehensive training program required by Practice Book Section 25-62, which is sponsored by the Judicial Branch, is eligible to be a GAL.

### What is the role of a GAL?

In cases where the parties are unable to agree on a parenting plan or there is a child related dispute, the court may order a GAL to independently represent the best interests of the child. The GAL does not represent the mother, father or any other party in the case. The GAL only represents the best interests of the child. The GAL does not make decisions for the court.

The court may need the GAL to perform certain functions. Some of the functions could be:

- Investigate facts
- Interview the parties and the child
- Review files and records
- Talk to teachers, coaches, and others
- Speak with medical professionals
- Participate in court hearings
- Make recommendations to the court
- Encourage settlement of disputes

The court may also need the GAL to perform other functions not listed above to make a determination as to the best interests of the child. The court will specify the role of the GAL in each case.

### What can a parent in a family court matter expect from a GAL?

A parent should expect a GAL to be fair and impartial. The GAL is expected to avoid any conflict of interest, be courteous and professional and act in good faith. The GAL is expected to complete his or her duties in a timely fashion and to maintain accurate records pertaining to both the duties performed and the fees he or she is owed for performing those duties.

### **Who pays the GAL?**

The parties to the case pay the fees for the GAL. Each party is required to submit a financial affidavit to the court. The court will consider each party's financial situation and order how the payment is to be split between them.

In some cases, the parties may qualify for the appointment of a GAL that is paid for by the state. The parties must submit their financial affidavits to the court for review. If the parties meet the eligibility requirements of the Division of Public Defender Services, the court will appoint a GAL who is paid for by the state.

### **Can a GAL be removed from a case?**

If a party believes that a GAL has acted improperly in a family case, he or she can file a motion to ask the court to remove the GAL from the case. After the motion is filed, the court may refer the motion to the Family Services Unit of the court. If the parties involved in the case cannot resolve the motion themselves, the court will have a hearing and decide the motion.

## **The Roles and Responsibilities of an Attorney for a Minor Child (AMC) in Family Matters**

### **What is an Attorney for a Minor Child (AMC)?**

An attorney for a minor child, often referred to as an AMC and also called Counsel for the Minor Child is an individual the court appoints, either upon motion of a party or when the court determines an AMC is necessary to advocate for the best interests of the child. The court will consider the appointment of an AMC if the parties are unable to resolve a parenting or child related dispute. The AMC's role is different from that of a guardian ad litem (GAL). The AMC represents the child's legal interests and supports the child's best interests, while the GAL represents only the child's best interests.

### **Who can be an AMC?**

Only an attorney who has completed the comprehensive training program required by Practice Book Section 25-62, which is sponsored by the Judicial Branch, is eligible to be an AMC. The AMC cannot be the same attorney that is representing either of the parents.

### **What is the role of an AMC?**

In cases where the parties are unable to agree on a parenting plan or there is a child related dispute, the court may appoint an AMC to be the child's attorney. The court will specify the role of the AMC in each case. Just as the parents may have their own attorneys advocating on their behalf, the AMC represents the child's wishes and advocates on the child's behalf.

The AMC can speak in court on all matters pertaining to the interests of the child including custody, care, support, education and visitation. The AMC can also file motions and call witnesses on behalf of the child in court.

Unlike a GAL, an AMC does not testify as a witness, but participates fully as a lawyer in the case.

### **What can a parent in a family court matter expect from an AMC?**

The AMC is expected to avoid any conflict of interest, be courteous and professional and act in good faith. An AMC is bound by the Rules of Professional Conduct governing attorneys in Connecticut. The client, however, is not either of the parents, but the child. The AMC's duty is to the child, and the parents should not expect the AMC to advocate or argue on their behalf.

### **Who pays the AMC?**

The parties to the case pay the fees for the AMC. Each party is required to submit a financial affidavit to the court. The court will consider each party's financial situation and order how such payment is to be split between them.

In some cases, the parties may qualify for the appointment of an AMC that is paid for by the state. The parties must submit their financial affidavits to the court for review. If the parties meet the eligibility requirements of the Division of Public Defender Services, the court will appoint an AMC who is paid for by the state.

### **Can an AMC be removed from a case?**

If a party believes that an AMC has acted improperly in a family case, he or she can file a motion to ask the court to remove the AMC from the case. After the motion is filed, the court may refer the motion to the Family Services Unit of the court. If the parties involved in the case cannot resolve the motion themselves, the court will have a hearing and decide the motion.