

ROLE OF THE GAL

QUICK-REFERENCE GUIDE | 01

OVERVIEW

A Guardian ad Litem (GAL) shall advocate for a child's best interests. CASA volunteers are appointed as Guardians ad Litem and carry all the duties, rights, and responsibilities of that role as defined by Georgia law.

As GAL, a CASA volunteer's role never waivers from advocating for the best interests of the child. Even if an attorney GAL is also appointed, the CASA volunteer's role and expectations do not change.

If the child does not have a separate attorney GAL appointed in addition to their attorney, the CASA volunteer is the only individual serving the court as a disinterested advocate, and the role never shifts. The CASA is always and only a GAL.

GAL/CASA RESPONSIBILITIES

Unless a child's circumstances render the following duties and responsibilities unreasonable, a GAL/CASA has 17 roles and responsibilities:

- 1** Maintain regular in-person contact with the child and, in a manner appropriate to the their developmental level, meet with the child prior to all hearings;
- 2** In a manner appropriate to such child's developmental level, ascertain the child's needs and wishes;
- 3** Conduct an independent assessment to determine the facts and circumstances surrounding the case;
- 4** Consult with the child's attorney regarding the issues in the proceeding;
- 5** Communicate with health care, mental health care, and other professionals involved with the child's case;
- 6** Review case study and educational, medical, psychological, and other relevant reports relating to the child and the parents;
- 7** Review all court documents;
- 8** Attend all court hearings and other proceedings to advocate for the child's best interests;
- 9** Advocate for timely court hearings to obtain permanency for the child;
- 10** Protect the cultural needs of the child;
- 11** Contact the child before any proposed change in placement;
- 12** Contact the child after any such change in the child's placement;
- 13** Request a judicial citizen review panel or judicial review of the case;
- 14** Attend citizen panel review hearings concerning the child and if unable to attend the hearings, forward to the panel a letter setting forth the child's status during the period since the last citizen panel review and include an assessment of the case plan;

- 15** Provide written reports to the court and the parties on the child's best interests, including, but not limited to, recommendations regarding placement, updates on the child's adjustment to placement, DFCS's and respondent's compliance with prior court orders, the child's degree of participation during visitations, and any other recommendations based on the best interests of the child;
- 16** When appropriate, encourage settlement and the use of any alternative forms of dispute resolution and participate in such processes to the extent permitted; and
- 17** Monitor compliance with the case plan and all court orders by all parties.



PRACTICE POINTS

- Maintain contact with the parties and always have a draft of your court report in progress. You should always have a current understanding of both DFCS and the parents' progress on the case plan as well as the extent of compliance by all parties (not just the parents) with the most recent court orders.
- Attend court, speak up, and make oral recommendations. Do not simply refer to your report: review the highlights of it, taking into consideration what has happened in the current hearing, and explain why your recommendations should be adopted by the court.
- To the extent permitted, take part in all sidebars, in-chamber conversations, and pre-trial conferences.
- Ensure that the child knows how to contact their attorney.
- Be heard on continuances. Every continuance requires that the court make a best-interest determination; weigh in on whether the continuance is in the child's best interests or not and be able to explain why.

KEY PRACTICE NOTES

ADVOCACY IS DYNAMIC

Be ready to change your position and pivot the course of your advocacy if the evidence presented at a hearing requires it. Strong advocacy is responsive, not rigid.

PARENTS AND DFCS DELAYS

Parents often cannot take steps to complete their case plan until referrals are made by DFCS. Parents should not be held responsible for delays caused by DFCS in providing services or facilitating family time.

FAMILY TIME

A reunification without sufficient family time is unlikely to succeed. It is the job of the court — not DFCS — to set a schedule of visits and ensure compliance. The parties may agree to expand family time, but reducing or suspending it requires a court hearing.