

Guardian Ad Litem



Custody Disputes are either handled in the DR if parties are married and in the juvenile division if the parties have never married and some counties have combined these into a family court.

The court may (or if requested by a parent must) appoint a guardian ad litem to aid in resolving custody disputes by determining and representing a child's best interests, in consideration of the child's best wishes.

- A guardian ad litem or others who have gone through GAL training may also act as the minor child's attorney.

Attorneys, court-appointed special advocates (CASA's) or others who have gone through GAL training may be appointed by a judge to serve as guardian ad litem's

- For attorneys, it must be stated whether they are being appointed as both a guardian ad litem and the child's attorney, or only the guardian ad litem

Responsibilities of a guardian ad litem:

Source 1 – 48.03 (A)

1. Make recommendation about the child's best interest;
2. Maintain independence, objectivity and fairness;
3. Act with respect and courtesy to the parties;
4. Appear and participate in all hearings and at "in camera" interviews between the judge or magistrate and the child;
5. Ask the court, in writing, to resolve conflicts by entering appropriate orders;

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- 6.** Request psychological, mental health or substance abuse assessments regarding the parties;
- 7.** Avoid any actual or apparent conflict of interest that may arise from any relationship or activity; Source 1 – 48.03 (B)
- 8.** Make reasonable efforts to learn about the facts of the case by: Source 1 – 48.03 (D)
 - observing the child with each parent, foster parent, guardian or physical custodian and conducting at least one interview with the child where none of these individuals are present;
 - visiting the child’s residence in accordance with any court-established standards;
 - ascertaining the child’s wishes;
 - interviewing the parties, foster parents and other individuals who may have relevant knowledge of the case;
 - reviewing pleadings and other relevant court documents;
 - reviewing criminal, civil, educational and administrative records pertaining to the child and, if appropriate, to the child’s family or other parties;
 - interviewing school personnel, medical and mental health providers, child protective services workers and relevant court personnel, and obtaining copies of relevant records;
 - request that the court order psychological evaluations, mental health or substance abuse assessments, or other evaluations or tests of the parties as the guardian ad litem deems necessary or helpful to the court;
- 9.** Provide the court with a written report of the activities listed above.

Source:

<https://www.supremecourt.ohio.gov/docs/LegalResources/rules/superintendence/Superintendence.pdf>