

FAMILIES IN TRANSITION  
TULSA COUNTY COURTHOUSE  
ROOM 607  
500 S. DENVER AVE.  
TULSA, OKLAHOMA 74103

**GUARDIAN AD LITEM APPLICATION FORM**

Name: \_\_\_\_\_

Educational Background: \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Are you currently an attorney in private practice? \_\_\_\_\_

Please indicate how you have completed the 5 hours of CLE training relating specifically to Guardians Ad Litem. If you have certificates, please attach them. Otherwise, please detail date and name of course, city where provided, and number of hours of CLE.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Do you have 48 hours of mediation training? \_\_\_\_\_ If so, please attach certificate.

Please detail your training and experience in the area of domestic violence. If appropriate, attach certificates or verification of training.

\_\_\_\_\_

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## **GUIDELINES FOR GUARDIANS AD LITEM**

### **I. DEFINITION**

A Guardian Ad Litem is a lawyer appointed as an officer of the court to protect the child's interests without being bound by the child's expressed preferences.

### **II. ROLE OF GUARDIAN AD LITEM**

- A. The Guardian Ad Litem must be neutral; i.e., he or she may not be selected by either party but must be appointed by the Court. Nothing herein, however, shall abrogate the right of the Court to allow the parties to agree upon a Guardian Ad Litem.
- B. The GAL shall meet with the child or children as soon as possible after notice of the appointment. If the child is represented by private counsel or the office of the Public Defender, permission shall be obtained from the attorney for the child to interview the child alone. If such permission is not obtained, the interview shall take place with the attorney for the child present.
- C. The GAL shall serve pursuant to a written Order appointing the Guardian Ad Litem and setting forth the duties and responsibilities thereof.
- D. The GAL shall meet with both parents and any other caregivers including but not necessarily limited to extended family, child care providers, DHS workers, etc. If the parents are represented by counsel, permission should be obtained from the attorney for that party before the GAL meets with the parent outside the presence of counsel.
- E. The GAL shall obtain all records and other data relevant to the case including but not limited to psychological reports on parents, DHS reports, report cards, counseling records of child, photographs of respective homes of parents, police reports or other reports of domestic violence, criminal records of parents, etc.
- F. The GAL shall, to the extent possible, conduct at least a site inspection of the premises of the parents or other caregivers and, if necessary, cause to be conducted a home study of each caregiver. To the extent not possible, photographs or other information should be obtained. To the extent a custody evaluator has conducted a home study or home studies, this shall not be necessary.
- G. The GAL shall advocate for the child's best interests by interviews, data collection, participation in the case, conferences with the court, written reports to the court, attendance at hearings, and advocating and making recommendations regarding the best interests of the child.

- H. The GAL shall present written reports to the Court on the child(ren)'s best interests including conclusions and recommendations and the facts upon which they are based. See Title 10, Section 7003-3.7(B)(4)(e).
- I. The GAL shall maintain the confidentiality of information related to a case. No information shall be discussed or disseminated except to the Court, attorneys involved in the case, and/or parties, and only under such conditions as specifically ordered by the Court.
- J. Depending upon the case, the GAL may not need to actively participate in a hearing. The GAL may, however, express concerns to the parties and, at the request of the GAL, a party should file whatever pleadings are necessary. Absent that, the GAL may request that the court sua sponte enter Orders consistent with the best interests of the child. Alternatively, when necessary, the GAL may file pleadings on behalf of the child or children.
- K. The GAL owes his/her primary duty to the Court and not to the child client alone.
- L. The GAL shall not necessarily be bound by the child's expressed preferences, although the GAL shall obtain the preference of a child of sufficient age. The Guardian Ad Litem shall present evidence to the Court concerning the expressed view of the child, regardless of whether such views are consistent with the recommendation of the Guardian Ad Litem.
- M. The GAL shall have a continuing duty to investigate throughout the pendency of the matter. The GAL shall stay apprised of, and keep the Court informed of, other court proceedings affecting the child, the litigants, and other household members. Further, the GAL shall bring to the attention of the Court any unusual or alarming facts which seriously call into question the advisability of any agreed settlement of the case. However, this shall not be done ex parte and shall be subject to O.
- N. The GAL shall participate in settlement negotiations to seek expeditious resolution of the case, consistent with the best interests of the child.
- O. Copies of all correspondence or pleadings prepared by the Guardian Ad Litem shall be sent to all parties involved in the case.
- P. The Guardian Ad Litem shall have no ex parte communications with the Court except under the terms and conditions provided by statute for emergency situations.
- Q. When the representation ends, the GAL shall inform the child in a developmentally appropriate manner that the representation is ending.