A Guardian ad litem is a person appointed by the court to represent “the best interests of the child” in court proceedings. Guardians are appointed in contested custody and visitation cases, name changes, adoptions, DSS abuse and neglect cases, and termination of parental rights cases.  Sometimes the Court appoints a Guardian on its own and sometimes the attorneys agree upon a Guardian with whom they are familiar as opposed to leaving it to a judge’s discretion.

The Guardian ad Litem will perform an investigation, interview the parties, interview witnesses, review documents, and observe the child with the parties (typical unless there is some reason that cannot occur).

In a contested trial, a Guardian will submit a written report.

In private custody cases the guardian is paid by the parties. Most of the time, the court will set the guardian’s hourly rate, the parties’ initial payment, and the guardian’s maximum authorized fee.   The guardian’s fee can later be reallocated by the court at trial.