

## Volunteer vs. Private GAL

A volunteer GAL has completed training with the S.C. Guardian ad Litem Program. He or she is generally appointed by the family court in Department of Social Services initiated actions involving child abuse and neglect. Volunteer GALs are not paid for their time.

Private GALs may be appointed by various courts in South Carolina where there are issues such as custody, visitation, or delinquency. Private GALs are not required to undergo training by the South Carolina GAL Program and they are paid for their time.

Whether volunteer or private, the GAL has the same responsibilities in a case.



Additional information may be found at:

**LawHelp.org/SC**

South Carolina's guide to free legal resources

## Family Cases Accepted

Physical Abuse Divorce  
Custody and Child Support  
Adoption  
Orders of Protection  
Other Family Court Matters

## Other Legal Representation

Consumer & Bankruptcy  
Education  
Employment  
Federal Income Tax  
Housing  
Migrant Farm Workers  
Probate  
Public Benefits

This brochure was prepared by South Carolina Legal Services and is provided as a public service.

Copyright retained by South Carolina Legal Services

Printed June 2016



YouTube



**South Carolina  
Legal Services**

*Balancing the Scales of Justice*

## *The Role of the GUARDIAN AD LITEM*



## Our Mission

South Carolina Legal Services is a statewide law firm that provides civil legal services to protect the rights and represent the interests of low-income South Carolinians.

## For Free Services

1 (888) 346-5592

contactus@sclegal.org

www.sclegal.org / www.lawhelp.org/sc

www.probono.net/sc

www.lawhelp.org/sc/online-intake



## Who may be a **GAL**?

A **GAL** is a person who appears in a lawsuit on behalf of a child. The **GAL** may be an attorney, but this is not required.

### A **GAL** must:

- Be 18 years of age or older
- Have a high school diploma or its equivalent
- Attend legal education classes on family law
- Observe custody hearings
- Not be convicted of any crimes
- Not be on the DSS Central Registry
- Not have an interest in the case

## When is a **GAL** appointed?

### A court must appoint a **GAL** to a child in cases involving:

- Child abuse or neglect
- Termination of parental rights
- Adoption
- Child's Name Change

A **GAL** may be appointed to a child in a custody case when the court finds:

- That there is a substantial dispute between the parties and a **GAL** is needed to establish the necessary facts for the court

### OR

- Both parties agree to appointing a **GAL**, who is then approved by the Court

## What is the **GAL**'s role?

### The responsibilities of a Guardian ad Litem (**GAL**) include:

- Representing the best interest of the child
- Investigating the situation of the child and the family by reviewing the child's school and medical records
- Meeting with and observing the child
- Interviewing the parents and caregivers, school officials and law enforcement
- Obtaining criminal history of each party
- Considering the wishes of the child, if appropriate
- Making suggestions for evaluation services and treatment for the child and the child's family
- Presenting written reports to the court
- Keeping a file with notes and attending all court hearings

A **GAL** is **NOT** allowed to make a recommendation to the court concerning who should have custody unless the judge specifically makes a request

## Should you cooperate with the **GAL**?

- The **GAL** is there to serve as an objective party and will be giving the court a report based on his or her findings
- It is in your best interest to cooperate with the **GAL** so that he or she may gather all of the necessary information
- You may be required to take medical tests
- If you are unsure about any requests made by the **GAL**, you should contact your lawyer
- The court can order you to comply with the **GAL**'s requests

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

- The court must set forth the method and rate of compensation for the **GAL**
- Generally, the parties in the lawsuit will be responsible for paying the **GAL**

