

# Guardians ad Litem in Family Law Cases

## When does a judge appoint a GAL?

A judge may appoint a guardian ad litem (GAL) in a court case about custody or visitation rights.

Any party to the case may ask for appointment of a GAL, or the judge can decide on his or her own to appoint one. A GAL may be a lawyer, mental health professional, or volunteer.

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- ❖ The GAL may go by a different name in your county, such as “Investigator” or “Court Appointed Special Advocate (CASA).”
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You might have to pay for the GAL’s services. The judge may enter an order against both or one parent to pay the GAL fee. If both parents have low incomes, the county may pay the costs.

If you are unable to pay the GAL fee, you can file a motion to ask the judge to waive it (excuse you from paying it). Use our [Your Family Law Case: If You Cannot Afford the GAL Fee](#) packet.

You should ask the judge to appoint a GAL if you or your children have been physically or sexually abused. If there has not been abuse but there are other serious issues about the other party’s ability to be a decent parent, you may need a GAL.

## What does a GAL do?

The GAL investigates the situations of all and children. The GAL then recommends to the court what type of custody and visitation arrangement would be best for the children. The GAL must get:

- notice of all hearings

- copies of papers you file with the court

The GAL must approve any agreed court orders related to the children's custody.

The GAL may investigate past criminal records, court records, and other important papers. The GAL will interview you and the other parent. The GAL may talk to, or ask for written statements from, friends or other family. The GAL should interview any professionals (such as counselors) involved with the children or the parties.

The GAL may observe you and the children at your home and the other parent's home, in the GAL's office, or in another setting. GALs must have training on issues related to the welfare of children. The GAL must meet standards set by law.

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❖ **GALs are "mandated reporters."** A GAL must report a family to law enforcement or to Child Protective Services (CPS) when the GAL has reason to believe a child in a family the GAL is investigating has been abused or neglected.

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## Should I ask for a GAL?

It depends.

A GAL will do an investigation and will make their own recommendation to the court for a parenting plan. You may not agree with the GAL's recommendation.

Some GALs do not understand the effects of intimate partner violence on your children. GALs often do not have much training in domestic violence. A report by a GAL who does not understand domestic violence can often be damaging. The GAL might make recommendations that do not protect you and/or the children.

## What does the GAL need to know?

Most judges take the GAL's recommendations very seriously. **Cooperate as best as you can with the GAL.**

Give the GAL the names and current phone numbers of people who will tell the GAL you are a good parent. Tell those people the GAL may contact them.

Show the GAL what you have done to get past any problems you have had or have now that affect your parenting.

Tell the GAL what the other parent has done or might do to put your children at risk. Focus on how the other parent's problems will negatively affect the children. Give the GAL names, addresses, and phone numbers of people who can back up your concerns. Tell them to expect the GAL to contact them. Tell them it is important that they cooperate with the GAL.

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- ❖ Read [How to Work with GALs and Parenting Evaluators](https://www.washingtonlawhelp.org), available at [WashingtonLawHelp.org](https://www.washingtonlawhelp.org).
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## How do I find a GAL?

If you can afford to pay one, and your court lets you choose your GAL, look at different GALs before choosing one. Ask if the superior court clerk has a list of possible GALs who have met the court's training requirements. Ask to review the resumes of the GALs on that list. If you have time, call a few of them. Find out how much they charge, if they are available, and if you like them. You may have to pay a private GAL a retainer fee from \$500 - \$3,000. The final cost can be even more.

If you cannot afford to pay a GAL, there may be other options. Some courts have a Family Court Services or other county-funded agency that does parenting, custody, or domestic violence evaluations. Some courts have a Court Appointed Special Advocate (CASA) program. CASA provides free volunteer GALs. Ask the family law facilitator or clerk's office if your county has these resources.

You may not be able to choose who serves as your GAL. In some counties, the judge appoints GALs off a list. You will get the next GAL on the list even if you have not asked for him/her. If the judge appoints an evaluator or GAL from a court agency (such as Family Court Services or CASA), the agency chooses the GAL.

## What happens after the judge appoints the GAL?

Once the judge appoints your GAL, the GAL must give you a background statement that:

- describes the GAL's training
- states if the GAL has been removed from a case or from the GAL registry in any other county
- states any criminal history or record

## **How do I ask the court for a GAL?**

You must file a motion to appoint a GAL. You must fill out, file, and serve the motion form on the other parties in your case.

## **What forms do I need?**

It depends on what type of case you have.

### **Divorces, legal separations, invalidity of marriage, and petition to change parenting plan cases:**

- Notice of Hearing, FL All Family 185 (if your county has its own form, use that one instead)
- Motion For Temporary Family Law Order, FL Divorce 223
- Order Appointing Guardian Ad Litem for a Child, FL All Family 146 **or** Order Appointing Parenting Evaluator/Investigator, FL All Family 148

### **Parentage cases:**

- Notice of Hearing, FL All Family 185 (if your county has its own form, use that one instead)
- Motion for Temporary Family Law Order, FL Parentage 323
- Order Appointing Guardian Ad Litem for a Child, FL All Family 146 **OR** Order Appointing Parenting Evaluator/Investigator, FL All Family 148

### Non-parent custody cases:

- Notice of Hearing, FL All Family 185 (if your county has its own form, use that one instead)
- Motion for Temporary Non-Parent Custody Order, FL Non-Parent 423
- Order Appointing Guardian Ad Litem for a Child, FL All Family 146, **or** Order Appointing Parenting Evaluator/Investigator, FL All Family 148

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❖ **Check with your court clerk.** Make sure you have the current forms.

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### Where do I get the forms?

The court clerk or courthouse facilitator will have any special forms your county uses. If your county uses the state court mandatory forms, use the forms in this publication (current as of 12/2019). You can also get them free from the Office of the Administrator of the Courts, Temple of Justice, AV-01, Olympia, WA 98504 (phone number: (360) 753-3365). You can also download them at [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms).

Our do-it-yourself packets available at [www.WashingtonLawHelp.org](http://www.WashingtonLawHelp.org) have detailed instructions on filling out the forms to appoint a GAL:

- [Ask for Temporary Family Law Orders: Divorce Cases](#)
- [Ask for Temporary Family Law Orders: Petition to Change Parenting Plan Cases](#)
- [Ask for Temporary Family Law Orders: Parentage Cases](#)
- [Ask for Temporary Orders: Non-Parent Custody Cases](#)

### How do I fill out the forms?

In the Motion for Temporary Family Law Order or Motion for Temporary Non-Parent Custody Order, you check the box in the section **Care of children** asking the judge to appoint a GAL or evaluator.

Fill out the Order you are proposing to show what you want. Use our Filing for Temporary Family Law Orders packets for help.

## I filled out the papers. Now what?

Once you have filled out all and signed all papers, make one copy of each document for:

- each of the other parties
- the judge
- yourself

You file the original of the Notice of Hearing and the original of the Motion with the superior court clerk's office in your county. **You must mail copies of the Notice of Hearing, Motion, and your proposed Order Appointing GAL to all the other parties before your hearing date.**

Ask the court clerk or family law facilitator how many days before the hearing the other parties and court must get your motion. If you mail the other parties your papers, add three days to the amount of notice required.

Ask the clerk or facilitator if the judge hearing your case needs a copy of these documents a few days before the hearing, and if so, when. The copies for the judge and other parties are "**working papers.**" If you must provide working papers, you should hand-deliver them to the courthouse by the same date that you have to serve the other parties. Read [What are Working Copies?](#)

In most counties, you must file and mail the motion papers at least nine days before the date you set for your hearing. . Contact the facilitator, clerk's office, or law library. Find out how much notice you must give for a family law motion.

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❖ Always add three days for mailing.

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Ask the family law facilitator or court clerk about any local rules that apply to filing family law motions.

Do not file the original copy of the Order Appointing GAL. Take it with you when you go to court.

## **What happens when I go to court?**

You must go to court at the time and on the date stated in your Notice of Hearing.

When they call your case, go in front of the judge. Tell the judge that you want a GAL appointed. If the other party does not want the judge to appoint a GAL, they will have a chance to tell the judge why.

If the judge agrees to appoint a GAL, you give the judge the original of your Order Appointing GAL to sign. Make sure the GAL gets a copy of the order after the judge signs it.

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