



Understanding family law, including the role of a guardian ad litem (GAL), can be complex and overwhelming at times. In Utah, a GAL can be appointed by the court to represent the best interests of children involved in cases like divorce or child custody disputes. Emotions run high in family law cases, often clouding judgment, leading to poor behavior and misconceptions. To address this, a GAL may be appointed to advocate for the child, ensuring they're represented throughout the legal process. At Christensen Law, we understand the importance of protecting families and we're committed to providing clarity on a GAL's part in court proceedings. We hope this FAQ sheds light on the role and responsibilities of a guardian ad litem in Utah family law cases.

### *What is a Guardian ad Litem (GAL)?*

In Utah, a GAL is a court-appointed advocate responsible for representing the best interests of children in various family law cases, such as divorce, child custody, protective order, juvenile, or child support disputes. Guided by Utah law (Utah Code § 78A-6-1105), a GAL should conduct thorough investigations, interview relevant parties, and submit reports to the court regarding the child's welfare. They are tasked to consider the child's physical, emotional, and developmental needs, ensuring a direct approach not filtered by either parent.

### *What are the Responsibilities of a Guardian ad Litem?*

A GAL in Utah undertakes various tasks aimed at safeguarding the child's best interests. Their duties include conducting investigations, interviewing relevant parties, and making recommendations to the court based on the child's welfare. GALs advocate for the child's needs during court proceedings, ensuring their voice is heard and their rights are protected. They adhere to ethical and professional standards outlined in the Utah Rules of Professional Conduct.

### *Why is a Guardian ad Litem appointed?*

A Guardian Ad Litem is appointed by the court in situations involving disputes regarding a child's welfare, such as custody battles or allegations of abuse or neglect. Utah law mandates their appointment in certain circumstances to prioritize and protect the child's best interests (Utah Code § 78A-6-1105). GALs conduct thorough investigations and provide recommendations to assist the court in making informed decisions that serve the child's well-being.

### *How does a Guardian ad Litem determine the best interests of the child?*

Determining the best interests of the child is a crucial aspect of a GAL's role in Utah family law cases. GALs consider various factors outlined in Utah law, including the child's physical and emotional well-being, their relationship with each parent, any history of abuse or neglect, and their developmental needs. They also may consider the child's preferences, ensuring a comprehensive assessment prioritizing the child's safety, stability, and overall welfare.



### *How do I request a Guardian ad Litem?*

To request a GAL in Utah, consult with your attorney to understand the process. While the court can appoint a Guardian without a request from the parties, most divorcing parties will file a formal motion with the court outlining the reasons for the request, including concerns about the child's welfare or disputes regarding custody. Providing supporting evidence such as police reports or medical records may help get one appointed. The court will review the request, and if approved, issue an order appointing a GAL with specified duties and responsibilities. In that order, the court will also describe how the GAL will be paid.

### *Can I request a different Guardian ad Litem?*

In Utah, parties involved in a family law case have the right to request a different GAL under certain circumstances. If there are concerns about the GAL's impartiality, competence, or conduct, parties may petition the court for a new GAL to be appointed. Utah's court rules provide procedures for requesting a change of GAL, ensuring fairness and transparency in the process.

### *What does a Guardian ad Litem look for?*

GALs look for signs of the child's well-being, including physical safety, emotional health, and educational needs. They assess family relationships, living conditions, and any signs of abuse or neglect. GALs also consider the child's preferences, advocating for their voice in court. Ultimately, they prioritize the child's welfare and ensure that court decisions align with their best interests.

### *Can a Guardian ad Litem be removed during a case?*

Yes, in Utah, a GAL can be removed during a case if there are concerns about their impartiality, competence, or conduct. Parties involved can petition the court for their removal, and the court will review the request based on Utah laws and regulations governing GAL appointments. If the court finds valid reasons, it may appoint a new GAL to ensure fairness and protect the child's best interests.

### *Who is responsible for paying for the GAL's services?*

In some instances, the government will pay for a GAL. However, it is more common for one or both parties to be responsible for paying all or a percentage of the GAL's ongoing hourly fees. The court's decisions will be based on the financial situation of the parties involved. The goal is to ensure the child's best interests are represented without creating undue financial strain.

### *Does Christensen Law recommend asking for a Guardian ad Litem?*

The answer is that "it depends." There are some cases where a GAL is essential. There are others where a GAL would be a nice luxury but is too expensive. There are also cases where having a GAL on board would be completely unnecessary. Your attorney can provide advice tailored to your case.