

GEORGIA

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<p>Structure, organization, and delivery of Child Representation State-by-state, county-by-county, etc.</p>	<p>Mixed system</p> <p>The Office of the Child Advocate trains attorneys and non-attorney GALs. Office of the Child Advocate.</p> <p>Guardians Ad Litem are appointed one of three ways: the Judge may appoint a Guardian, the attorneys can agree upon a Guardian or the Guardian Ad Litem office may appoint a Guardian from a list of certified Guardians. Once a Guardian Ad Litem is appointed to a case the appropriate orders are filed and copies are sent to the counsel for each party or to the individual party if he is not represented. Cobb County GAL.</p> <p>The Guardian Ad Litem Unit provides staff attorneys to represent children who are alleged to be deprived. The Guardian Ad Litem also represent children in cases involving custody issues in Juvenile and Superior Court. Gwinnet County.</p>
<p>Funding Child Representation</p>	
<p>1. General Duties: Timely appointment, mandatory or discretionary, attorney or lay person, represent child's interests, undertake basic obligations, address conflict situations, address special needs and disabilities, and accommodate client preferences.</p>	<p>"Except as otherwise provided...a party is entitled to representation by legal counsel at all stages of any proceedings alleging...deprivation ...Counsel must be provided for a child not represented by the child's parent, guardian, or custodian. If the interests of two or more parties conflict, separate counsel shall be provided for each of them." GA. CODE ANN. § 15-11-6(b).</p> <p>The court at any stage of a proceeding under this article, on application of a party or on its own motion, shall appoint a GAL for a child who is a party to the proceeding if the child has no parent, guardian, or custodian appearing on the child's behalf or if the interests of the parent, guardian, or custodian appearing on the child's behalf conflict with the child's interests or in any other case in which the interests of the child require a guardian. A party to the proceeding or the employee or representative of a party to the proceeding shall not be appointed.... GA. CODE ANN. § 15-11-9(b).</p> <p>In any proceeding for terminating parental rights or any rehearing or appeal thereon, the court shall appoint an attorney to represent the child as the child's counsel and may appoint a separate GAL or a GAL who may be the same person as the child's counsel. GA. CODE ANN. § 15-11-98(a).</p> <p>"When a client's ability to make adequately considered decisions in connection with the representation is impaired, whether because of age...the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client." GA. R. PROF'L. CONDUCT 1.14(a).</p> <p>(a) The court shall appoint a guardian ad litem for an alleged dependent child. (b) An attorney for an alleged dependent child may serve as such child's guardian ad litem unless or until there is conflict of</p>

	<p>interest between the attorney's duty to such child as such child's attorney and the attorney's considered opinion of such child's best interests as guardian ad litem. GA. CODE ANN. § 15-11-104(a)-(b).</p>
<p>2. Out of Court - Actions to be Taken: Meet with child, undertake an investigation, provide advice and counseling, file pleadings, request services, address special needs, negotiate settlements</p>	<p>By virtue of the order appointing a GAL, a GAL shall have the right to request all records relating to the minor child maintained by the Clerk of the Court in this and any other jurisdiction, other social and human service agencies, the Department of Family and Children Services, and the Juvenile Court. Upon written release and/or waiver by a party or appropriate court order, the GAL shall have the right to examine all records maintained by any school, financial institution, hospital, doctor or other mental health provider, any other social or human services agency or financial institution pertaining to the child which are deemed confidential by the service provider. The GAL shall have the right to examine any residence wherein any person seeking custody or visitation rights proposes to house the minor child. The GAL may request the court to order examination of the child, parents or anyone seeking custody of the child, by a medical or mental health professional, if appropriate. The GAL shall be entitled to notice of, and shall be entitled to participate in all hearings, trials, investigations, depositions, settlement negotiations, or other proceedings concerning the child. GA. UNIF. SUPER. CT. R. 24.9(4).</p> <p>Unless otherwise directed by the appointing judge, the GAL shall submit to the parties or counsel and to the Court a written report detailing the GAL's findings and recommendations at such time as may be directed by the assigned judge. At trial, the report shall be admitted into evidence for direct evidence and impeachment purposes, or for any other purposes allowed by the laws of this state. The court will consider the report, including the recommendations, in making its decision. However, the recommendations of the GAL are not a substitute for the court's independent discretion and judgment, nor is the report a substitute for the GAL's attendance and testimony at the final hearing, unless all parties otherwise agree.</p> <p><i>a. Contents of Report</i></p> <p>The report shall summarize the GAL's investigation, including identifying all sources the GAL contacted or relied upon in preparing the report. The GAL shall offer recommendations concerning child custody, visitation, and child-related issues and the reasons supporting those recommendations. GA. UNIF. SUPER. CT. R. 24.9(6), (6)(a).</p> <p>(c) Unless a child's circumstances render the following duties and responsibilities unreasonable, a guardian ad litem shall at a minimum:</p> <ol style="list-style-type: none"> (1) Maintain regular and sufficient in-person contact with the child and, in a manner appropriate to his or her developmental level, meet with and interview such child prior to custody hearings, adjudication hearings, disposition hearings, judicial reviews, and any other hearings scheduled in accordance with the provisions of this chapter; (2) In a manner appropriate to such child's developmental level, ascertain such child's needs, circumstances, and views; (3) Conduct an independent assessment to determine the facts and circumstances surrounding the case; (4) Consult with the child's attorney, if appointed separately, regarding the issues in the proceeding; (5) Communicate with health care, mental health care, and other professionals involved with such child's case; (6) Review case study and educational, medical, psychological, and other relevant reports relating to such child and the respondents; (7) Review all court related documents; (9) Advocate for timely court hearings to obtain permanency for such child; (10) Protect the cultural needs of such child;

	<p>(11) Contact the child prior to any proposed change in such child's placement;</p> <p>(12) Contact the child after changes in such child's placement;</p> <p>(15) Provide written reports to the court and the parties on the child's best interests, including, but not limited to, recommendations regarding placement of such child, updates on such child's adjustment to placement, DFCS's and respondent's compliance with prior court orders and treatment plans, such child's degree of participation during visitations, and any other recommendations based on the best interests of the child;</p> <p>(16) When appropriate, encourage settlement and the use of any alternative forms of dispute resolution and participate in such processes to the extent permitted GA. CODE ANN. § 15-11-105(c).</p>
<p>3. In Court – Active Participation in Hearings: Appear in court, explain proceedings to client, present evidence, ensure child is present, expand scope of representation into other needed areas, and undertake certain obligations post-disposition.</p>	<p>It is expected that the GAL shall be called as the Court's witness at trial unless otherwise directed by the Court. The GAL shall be subject to examination by the parties and the court. The GAL is qualified as an expert witness on the best interest of the child(ren) in question. The GAL may testify as to the foundation provided by witnesses and sources, and the results of the GAL's investigation, including a recommendation as to what is in a child's best interest. The GAL shall not be allowed to question witnesses or present argument, absent exceptional circumstances and upon express approval of the Court. GA. UNIF. SUPER. CT. R. 24.9(7).</p> <p>(c) Unless a child's circumstances render the following duties and responsibilities unreasonable, a guardian ad litem shall at a minimum:</p> <p>(8) Attend all court hearings and other proceedings to advocate for such child's best interests GA. CODE ANN. § 15-11-105 (c)(8).</p>
<p>4. Post-Hearing: Review courts order, communicate order to child, and monitor implementation of orders</p>	<p><i>d. Approval of Settlement Agreements</i></p> <p>If the parties reach an Agreement concerning issues affecting the best interest of a child, the GAL shall be so informed and shall have the right and opportunity to make objections to the Court to any proposed settlement of issues relating to the children prior to the Court approving the Agreement. GA. UNIF. SUPER. CT. R. 24.9(d).</p> <p>(c) Unless a child's circumstances render the following duties and responsibilities unreasonable, a guardian ad litem shall at a minimum:</p> <p>(13) Request a judicial citizen review panel or judicial review of the case;</p> <p>(14) Attend judicial citizen panel review hearings concerning such child and if unable to attend the hearings, forward to the panel a letter setting forth such child's status during the period since the last judicial citizen panel review and include an assessment of the DFCS permanency and treatment plans;</p> <p>(17) Monitor compliance with the case plan and all court orders. GA. CODE ANN. § 15-11-105 (c).</p>
<p>5. Appellate Advocacy: Decision to appeal, withdrawal, participation in appeal, conclusion by appeal.</p>	<p>(h) An attorney appointed to represent a child in a termination proceeding shall continue the representation in any subsequent appeals unless excused by the court. GA. CODE ANN. § 15-11-262(h).</p>
<p>6. Cessation of Representation:</p>	<p>A GAL's appointment, unless ordered otherwise by the Court for a specific designated period, terminates upon final</p>

<p>Contacts post representation, if any</p>	<p>disposition of all matters pertaining to child custody, visitation and child-related issues. GA. UNIF. SUPER. CT. R. 24.9(3).</p> <p><i>h. Removal of GAL from the Case</i> Upon motion of either party or upon the court's own motion, the court may consider removing the GAL from the case for good cause shown. GA. UNIF. SUPER. CT. R. 24.9(8)(h).</p> <p>(h) The court may remove a guardian ad litem from a case upon finding that the guardian ad litem acted in a manner contrary to a child's best interests, has not appropriately participated in the case, or if the court otherwise deems continued service as inappropriate or unnecessary. GA. CODE ANN. § 15-11-104(h).</p>
<p>7. General Representation Rules: Administrative structure is clear for appointment, support and accountability of the CR. The child's representative is independent from the court</p>	<p>Uniform legally binding rules as to duties of child's representative are not in place. Administrative structure for child legal representative is not clear. It is not clear that the CR is independent of the court.</p> <p>1. Appointment The Guardian ad Litem ("GAL") is appointed to assist in a domestic relations case by the superior court judge assigned to hear that particular case, or otherwise having the responsibility to hear such case. The appointing judge has the discretion to appoint any person as a GAL so long as the person so selected has been trained as a GAL or is otherwise familiar with the role, duties, and responsibilities as determined by the judge. The GAL may be selected through an intermediary. GA. UNIF. SUPER. CT. R. 24.9(1).</p> <p>(b) The court shall appoint an attorney for a child in a termination of parental rights proceeding. The appointment shall be made as soon as practicable to ensure adequate representation of such child and, in any event, before the first court hearing that may substantially affect the interests of such child.</p> <p>(d) The court shall appoint a guardian ad litem for a child in a termination proceeding; provided, however, that such guardian ad litem may be the same person as the child's attorney unless or until there is a conflict of interest between the attorney's duty to such child as such child's attorney and the attorney's considered opinion of such child's best interests as guardian ad litem. GA. CODE ANN. § 15-11-262(b),(d).</p>
<p>8. Lawyer Training: Child representative trained, on-going training provided, new attorneys provided senior lawyer mentorship.</p>	<p>In deprivation cases, a person appointed as a child's guardian ad litem must have received before the appointment training appropriate to the role that is administered or approved by the Office of the Child Advocate and may be an attorney or court appointed special advocate, or both. For attorneys, the pre-appointment training required pursuant to this Code section shall be satisfied within attorneys' existing CLE obligations and shall not require attorneys to complete additional training hours in addition to those currently required by the State Bar of Georgia. The Office of the Child Advocate shall exempt from the training required by this Code section attorneys who have practiced GALs in juvenile court deprivation proceedings for three or more years and, when such determination is made by the court, have demonstrated a proficiency in child representation. GA. CODE ANN. § 15-11-9(b).</p> <p>"Affiliate court appointed special advocate program" means a locally-operated program operating with the approval of the local juvenile court which screens, trains, and supervises volunteers to advocate for the best interest of abused and neglected</p>

	<p>children in deprivation proceedings. GA. CODE ANN. § 15-11-9.1(a)(2).</p> <p>2. Qualifications A GAL shall receive such training as provided by or approved by the Circuit in which the GAL serves. This training should include, but not be limited to, instruction in the following subjects: domestic relations law and procedure, including the appropriate standard to be applied in the case; domestic relations courtroom procedure; role, duties, and responsibilities of a GAL; recognition and assessment of a child's best interests; methods of performing a child custody/visitation investigation; methods of obtaining relevant information concerning a child's best interest; the ethical obligations of a GAL, including the relationship between the GAL and counsel, the GAL and the child, and the GAL and the court; recognition of cultural and economic diversity in families and communities; base child development, needs, and abilities at different ages; interviewing techniques; communicating with children; family dynamics and dysfunction, domestic violence and substance abuse; recognition of issues of child abuse; and available services for child welfare, family preservation, medical, mental health, educational, and special needs, including placement/evaluation/diagnostic treatment services. GA. UNIF. SUPER. CT. R. 24.9(2).</p> <p>(f) Before the appointment as a guardian ad litem, such person shall have received training appropriate to the role as guardian ad litem which is administered or approved by the Office of the Child Advocate for the Protection of Children. For attorneys, preappointment guardian ad litem training shall be satisfied within the attorney's existing continuing legal education obligations and shall not require the attorney to complete additional training hours in addition to the hours required by the State Bar of Georgia. GA. CODE ANN. § 15-11-104(f).</p>
<p>9. Lawyer Compensation: Adequate and timely compensation, reimbursement provided for expenses.</p>	<p>The following expenses shall be a charge upon the funds of the county upon certification thereof by the court...(3) reasonable compensation for services and related expenses of counsel appointed by the court, where appointed by the court to represent the child...(4) reasonable compensation for a GAL. GA. CODE ANN. § 15-11-8(a).</p> <p>If, after due notice to the parents or other persons legally obligated to care for an support the child and after affording them an opportunity to be heard, the court finds that they are financially able to pay all or part of the costs [of counsel appointed by the court to represent the child or a GAL], the court may order them to pay the same and prescribe the manner of payment. GA. CODE ANN. § 15-11-8(b).</p> <p><i>g. Payment of GAL Fees and Expenses</i> It shall be within the Court's discretion to determine the amount of fees awarded to the GAL, and how payment of the fees shall be apportioned between the parties. The GAL's requests for fees shall be considered, upon application properly served upon the parties and after an opportunity to be heard, unless waived. In the event the GAL determines that extensive travel outside of the circuit in which the GAL is appointed or other extraordinary expenditures are necessary, the GAL may petition the Court in advance for payment of such expenses by the parties. GA. UNIF. SUPER. CT. R. 24.9(g).</p>
<p>10. Caseload Levels: Caseloads are of a manageable size.</p>	<p><i>No explicit direction for child's counsel or GAL in state law.</i></p>